

The European Sea Ports Organisation (ESPO) appreciates the opportunity to contribute to the Commission's consultation on the draft Land and Multimodal Transport Guidelines (LMTG) and draft Transport Block Exemption Regulation (TBER).



In response to the draft Regulation and Guidelines, we would like to put forward the following remarks and/or requests for clarification:

- The draft Regulation and Guidelines provide that aid can be given to multimodal transport facilities which are located in maritime ports and have rail or inland waterway connections. An increase of multimodal transport is key for a sustainable and efficient transport network across Europe and as such ESPO very much welcomes the clear recognition in the draft Regulation and Guidelines of ports as being essential nodes of the multimodal transport chains and crucial starting points for intermodal operations in the draft Regulation and Guidelines.
- The Commission's initiative regarding easing of state aid in and by the different Member States should not affect and undermine the financing and funding opportunities that are available at European level and should always be underpinned by a strong safeguarding of the level playing field within Europe. A European approach, with equal access and conditions to funding across Europe remains key. European funding schemes that are accessible to all EU players in the same way and with clear common goals and requirements are the best guarantee to ensure a level playing field between different players in the internal market.
- European legislation lacks a uniform, Europe-wide set of definitions of different railway infrastructure types and management roles, which is then applied rigorously and consistently throughout the legislation. This absence of clear definitions makes several concepts and targeted constellations in the draft TBER and the draft Guidelines significantly difficult to interpret and, frankly, very blurry.

Requests for clarification:

- Specifically as regards Article 1.2(a) and Article 12 (draft Regulation) and Paragraph 2.2(aa) (draft Guidelines), could the Commission confirm that in maritime and inland ports, investment state aids to terminals (i.e. superstructure) with a rail or inland waterways connection for construction, upgrade, renewal are under the draft Regulation and Guidelines, while investment state aid to infrastructure in ports fall under the General Block Exemption Regulation (GBER)?
- Specifically as regards Article 8 (draft Regulation), could the Commission specify whether it is possible to cumulate different investment aids or operating aids, and if so, under which conditions? Similarly, could the Commission clarify whether it is possible to combine one operating aid with one investment aid, and if so, under which conditions?
- Specifically as regards Article 22 (draft Regulation), could the Commission clarify the intended approach to state aids currently granted under an aid scheme authorised by the Commission after notification and that do finally not meet the criteria specified in the draft Regulation nor in the draft Guidelines?