



European Federation of Inland Ports

Position of the European Federation of Inland Ports (EFIP) on the Targeted review of the General Block Exemption Regulation

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The unique representative of inland ports in Europe since 1994, EFIP – constituted of nearly 200 inland ports located in 18 Member States of the EU and Switzerland, Serbia and Ukraine – welcomes the opportunity to contribute to the targeted review of the General Block Exemption Regulation (GBER).

Inland ports as multimodal hubs fulfil a public role within the European logistical network. They manage complex logistical situations between various transport modes, actors and corridors. A core transport objective is to shift 30% of road freight over 300 km to “environmentally friendly modes of transport” by 2030 and 50% by 2050 as stipulated in the “2011 Commission’s White Paper on transport”. In order to complete the European TEN-T network and the achievement of the modal shift, far-reaching investments are required, largely in the form of state support.

State aid rules as they stand today feature profound obstacles in the realisation of port projects. Modernisation should focus on reviewing superstructure rules, removing excessive administrative burdens, providing fit-for-purpose guidelines and access to clear interpretations.

The European inland ports welcome the extension of the GBER as it facilitates the combination of national and EU funding as it enables Member States to provide state-aid in relation to InvestEU, Horizon Europe and, in particular, European Territorial Cooperation projects (Interreg) without prior notification.

However, the current extension could be a missed opportunity if the Connecting Europe Facility (CEF) is not included.

EFIP is a convinced supporter of Europe’s Transport Infrastructure Policy framework made up by the TEN-T Regulation (EU) No 1315/2013 and the CEF Regulation (EU) No 1316/2013. TEN-T policy is instrumental in strengthening the social, economic and territorial cohesion of the European Union.

The TEN-T selection procedure for CEF funding is currently a wholly separate procedure from the state aid notification and clearance process. If a Member State wants to provide co-funding to a TEN-T project under CEF, state aid rules still apply to the amount of funding.

As such and in most cases, these projects are subject to two separate procedures on the Union level. This situation can cause unnecessary delays and can jeopardise the timely project implementation while also constituting an added administrative burden.



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The impact assessment¹ preceding the **Commission's proposal on streamlining measures for advancing the realisation of the trans-European transport network** outlined various uncertainties related to state aid control procedures as one of the main perceived problem drivers for efficient permit granting procedures. This could be addressed through the extension of the GBER.

In short, the European inland ports believe that CEF should be covered by the GBER so that:

- the financial contributions made by Member States to co-fund an approved CEF projects will be considered compatible with the internal market and exempted from the notification requirement;
- the conditions for the exemption are set in such a way that they do not lead to distortions of competition that would undermine a level playing field in the internal market.

In addition, the European inland ports would like to raise a general issue regarding the application of the GBER.

Superstructure inclusion into the General Block Exemption Regulation (GBER)

Inland ports, unlike sea ports, invest in port superstructures in order to ensure that they can fulfil their roles as multimodal hubs within the European transport network. Fit-for-future infrastructure and superstructure realisation are important in achieving the European transport objectives.

The Special Report No 1/2015 "Inland Waterway Transport in Europe"² found that since 2001, "no significant improvements in modal share and navigability conditions" have been observed and that the outcome of the EU-funded efforts to shift freight traffic in Europe from roads to inland waterway transport has made slow progress. In the 2018 Report entitled "Towards a successful transport sector in the EU: challenges to be addressed", the ECA emphasised that more attention should be paid to the maintenance and renewal of existing infrastructure because "high-quality infrastructure is essential for the efficient and sustainable functioning of the EU internal market".³

Within the development of a port, superstructure development constitutes an integral element of the port. By excluding superstructures from the GBER results inland port development is being hampered as superstructures are essential to port operations. As a practical example, the development of a quay alone does not support inland waterway transport without the construction of a crane or storage area. Those superstructures often have to be funded by the port itself.

As inland ports are public entities with a societal role, they are dependent on public funding. With the exclusion of superstructures from the GBER, inland ports are unable to ensure that their ports

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1565615179538&uri=CELEX:52018SC0179>

² <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=31393>

³ https://www.eca.europa.eu/Lists/ECADocuments/LR_TRANSPORT/LR_TRANSPORT_EN.pdf



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are competitive in Europe and this jeopardises the achievement of the modal shift. **It is therefore the position of the European inland ports that superstructures should be included in the GBER.**

This would require a comprehensive definition of *port infrastructure* and *port superstructure* incorporating the nature and the scope of investments such as immovable infrastructure and being employed in the offering of transport related port services.

Concretely, the European inland ports would propose an amendment of the port infrastructure GBER definition, as set out below:

Port infrastructure means infrastructure and facilities for the provision of transport-related port services, for example berths used for the mooring of ships, quay walls, jetties and floating pontoon ramps in tidal areas, internal basins, fixed immovable infrastructure and constructions behind the quay walls such as platforms, foundations for tracks, backfills and land reclamation, alternative fuel infrastructure and infrastructure for the collection of ship-generated waste and cargo residues.

The definition of the port superstructure should also be amended as follows:

"port superstructure" means surface arrangements (such as for storage), fixed equipment (such as warehouses and terminal buildings) as well as mobile equipment (such as cranes) and other elements and constructions that cannot be defined as infrastructure located in a port for the provision of transport-related port services;

It should be noted that this proposal is grounded on the practice of DG COMP in connection with state aid for ports (see for example the decisions issued by the European Commission in the case State aid SA.38478 (2014/N) – Hungary, Development of the Győr-Gönyű Public Port, para 8; State aid SA. 44479 (2016/N) – Germany, Rostock Overseas Port – extension of the infrastructure – construction of berth 23, para 43-47).