Duarte Silveira

De: Edite Azevedo
Enviado: quinta-feira, 6 de Junho de 2013 09:14
Para: Duarte Silveira
Assunto: FW: Iniciativa europeia selecionada | Solicitação de parecer à ALRAA
Anexos: SWD_2013_183_EN_DOCUMENTDETRAVAIL_f.pdf; COM_2013_296_PT_ACTE_f.pdf; PT_letter_COM(2013)296.pdf; SWD_2013_181_EN_DOCUMENTDETRAVAIL2_f.pdf; SWD_2013_181_EN_DOCUMENTDETRAVAIL_f.pdf; SWD_2013_182_PT_DOCUMENTDETRAVAIL_f.pdf

Importância: Alta

De: Joao Garcia
Enviada: quarta-feira, 5 de Junho de 2013 16:27
Para: Edite Azevedo
Cc: Lisete Vargas
Assunto: FW: Iniciativa europeia selecionada | Solicitação de parecer à ALRAA
Importância: Alta

Boa Tarde,
Por favor dar entrada.
Obrigado,
JG

De: Comissão 4ª - CAE XII [mailto:Comissao.4A-CAEXII@ar.parlamento.pt]
Enviada: quarta-feira, 5 de Junho de 2013 15:11
Para: chefegabinete
Cc: Maria João Costa
Assunto: Iniciativa europeia selecionada | Solicitação de parecer à ALRAA
Importância: Alta

Exma. Senhora Presidente da Assembleia Legislativa da Região Autónoma dos Açores,

No âmbito do escrutínio de iniciativas europeias, a Comissão de Assuntos Europeus recebeu, em 3 de junho de 2013, da Comissão Europeia a Proposta de REGULAMENTO DO PARLAMENTO EUROPEU E DO CONSELHO que estabelece um quadro normativo para o acesso ao mercado dos serviços portuários e a transparência financeira dos portos [COM(2013)296], bem como três Documentos de Trabalho da Comissão, todos em anexo.

Tratando-se de iniciativa selecionada pela Assembleia Legislativa a que V. Exa. preside e que, consequentemente, consta da Resolução aprovada em sessão plenária da Assembleia da República em 17 de maio de 2013, junto envio a referida iniciativa europeia para análise e elaboração de relatório.

Nos termos da Lei n.º 43/2006, de 25 de agosto, alterada pela Lei n.º 21/2012, de 17 de maio, e de acordo com a *Metodologia de escrutínio das iniciativas europeias aprovada a 8 de janeiro de 2013*, as iniciativas selecionadas são objeto de Relatório, o qual "*deve, sobretudo, abordar as questões de substância da iniciativa e implicações que a mesma tenha para Portugal (...) O Relatório pode também analisar a base jurídica e a observância dos princípios da subsidiariedade e da proporcionalidade. As conclusões devem discriminar separadamente as questões suscitadas quanto à substância e quanto à observância dos princípios da subsidiariedade e da proporcionalidade.*"

Por esta iniciativa constituir uma proposta de ato legislativo e para efeitos de análise da conformidade com o princípio da subsidiariedade, nos termos do Protocolo n.º 2 anexo ao Tratado de Lisboa, o prazo de 8 semanas começa a contar no dia 04 de junho de 2013, conforme carta da Comissão Europeia, que se anexa, pelo que agradeço que o relatório da Assembleia Legislativa da Região Autónoma dos Açores seja enviado à Comissão de Assuntos Europeus até 10 de julho de 2013.

O Gabinete de Apoio à Comissão de Assuntos Europeus encontra-se disponível para qualquer esclarecimento e toda a colaboração.

Com os meus melhores cumprimentos,

Paulo Mota Pinto

Presidente da Comissão de Assuntos Europeus

EUROPEAN
COMMISSION

Brussels, 23.5.2013
SWD(2013) 183 final

COMMISSION STAFF WORKING DOCUMENT

Implementation Plan

Accompanying the document

Proposal for a REGLATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework on the market access to port services and the financial transparency of ports

{COM(2013) 296 final}
{SWD(2013) 181 final}
{SWD(2013) 182 final}

Implementation plan[1]

1. Contact point: Rémi Mayet (remi.mayet@ec.europa.eu – tel. 64677), Unit B.3 (Ports and Inland Navigation), DG MOVE

2. Deliverables and implementation challenges

The proposal relates to a Regulation directly and uniformly applicable. The implementation challenges are therefore limited and listed below.

The main challenges relate in particular to:

1. Developing common practices in the different national independent supervisory bodies;
2. Organising the required transparency in the case of public financial funds attributed to a managing body of the port or a port service provider;
3. Determining the criteria for modulating port infrastructure charges;
4. Laying down the rules on sanctions applicable to infringements of the provision of this Regulation.

3. Support Actions

Commission Actions:
The Commission's proposal for a Regulation foresees the adoption of implementing acts in support of the above mentioned challenges 1 and 3. The implementing acts will help the Member States in developing both the methodology for the charging principles in case of environmental charging as well as for the common principles to be applied by the independent supervisory bodies.

The Commission is at the disposal for the Member States to address implementation challenges either bilaterally or in the context of the Committee. The latter will be established under Article 15 of the proposed Regulation. This Committee will serve as a platform and a network to exchange good practices and experience. On top of that, the Commission will provide where appropriate technical assistance in different forms like explanatory guidance, expert meetings, working groups, Commission recommendations.

The Commission proposes to issue a report on the functioning and effect of the Regulation three years after the entry into force. This will be an appropriate opportunity to see if further action from the side of the Commission, including possible further legislative proposals, would be required.

Member State Actions:

The Member States have one year to take the necessary actions to apply this proposed Regulation.

More specifically and related to the challenges identified above:

1. The Member States will have the opportunity in the Committee to work together with the Commission in order to come to the final adoption of an implementing act in

[1] This Implementation Plan is provided for information purposes only. It does not legally bind the Commission on whether the identified actions will be pursued or on the form in which they will be pursued.

order to support the Member States with common principles to be applied by the independent supervisory bodies.

2. On the issue of ensuring transparency in the case of us of public funding, the Member States are considered to have the appropriate experience in other domains to organise this. If requested, the Commission can assist both the managing body of the port and the Member State with pointing to specific practices in other ports and Member States.

3. On the modulation of infrastructure charges, the Commission will assist the managing bodies of the port and the Member States with an implementing act related to the environmental modulation. For other matters, managing bodies and Member States can contact the Commission for further guidance and advice either bilaterally or in the context of the Committee procedure.

4. When laying down the rules on sanctions, Member States are advised to be proportionate. Member States can contact the Commission for further guidance and advice either bilaterally or in the context of the Committee procedure.

Implementation challenge	***Support action***	***Timing***
1. Adopt common principles based on good practices to be applied by the independent supervisory bodies when implementing this regulation	*Implementing act*	*2016*
2. Ensuring transparent use of public funding	*Multilateral contact via Committee Art. 15* *Ad hoc advice and guidance by the Commission if requested by Member States.*	*2015* *If requested*
3. Adopting a methodology defining common classifications and common charging principles facilitating a uniform application of environmental charging	*Implementing act*	*2013*
4. Laying down rules for sanctions	*Multilateral contact via Committee Art. 15*	*2015*
General and specific issues regarding implementation	*Bilateral contact* *Multilateral contact via Committee Art. 15*	*2013* *2015*

COMISSÃO
EUROPEIA

Bruxelas, 23.5.2013
COM(2013) 296 final

2013/0157 (COD)

Proposta de

REGULAMENTO DO PARLAMENTO EUROPEU E DO CONSELHO

que estabelece um quadro normativo para o acesso ao mercado dos serviços portuários e a transparência financeira dos portos

(Texto relevante para efeitos do EEE)

{SWD(2013) 181 final}
{SWD(2013) 182 final}
{SWD(2013) 183 final}

EXPOSIÇÃO DE MOTIVOS

1. CONTEXTO DA PROPOSTA

1.1 Antecedentes

A Europa é uma das regiões do mundo com maior densidade portuária. Simultaneamente, o setor portuário é muito heterogéneo e caracterizado por uma grande diversidade de tipos e modelos de organização. O presente regulamento respeita essa diversidade e não pretende impor um modelo uniforme para os portos.

Ao longo de cerca de 70 000 quilómetros de orla costeira da União existem mais de 1200 portos marítimos comerciais. Em 2011, transitaram pelos portos europeus aproximadamente 3 700 000 toneladas de carga (mais de 60 000 escalas de navios da marinha de comércio).

Embora a União Europeia dependa fortemente dos seus portos para as trocas comerciais com o resto do mundo, eles também desempenham um papel essencial no mercado interno. O transporte marítimo de curta distância representa, assim, 60 % do tráfego portuário de mercadorias na UE. Os portos marítimos são nós fulcrais das cadeias intermodais de transporte da União, que utilizam as rotas marítimas de curta distância como alternativa às vias de transporte terrestre saturadas e meio de ligação às zonas periféricas ou insulares.

No caso do tráfego marítimo de passageiros, passaram pelos portos da UE, em 2011, 385 milhões de passageiros.

As atividades portuárias contribuem diretamente para o emprego, o investimento interno e o crescimento do PIB. Existem atualmente 2200 operadores portuários, que empregam cerca de 110 000 portuários. No total, os portos chegam a representar três milhões de postos de trabalho (diretos e indiretos) nos 22 Estados-Membros marítimos e constituem uma importante fonte de receitas fiscais para as administrações públicas locais, regionais e nacionais.

96 % do tráfego de mercadorias e 93 % do tráfego de passageiros nos portos da UE transitam pelos 319 portos marítimos identificados na proposta de orientações para o desenvolvimento da rede transeuropeia de transportes (RTE-T), apresentada pela Comissão[1].

1.2 Desafios

Embora a necessidade de desenvolver as ligações com o interior esteja claramente identificada como um desafio importante e já tenha sido abordada no quadro da política relativa à RTE-T, estão por resolver outros grandes desafios para os portos marítimos da RTE-T. Em primeiro lugar, nem todos os portos da RTE-T oferecem atualmente o mesmo nível elevado de serviços. Em segundo lugar, o atual quadro de gestão portuária nem sempre é suficientemente atrativo para os investidores. Em conjunto, estes dois problemas estão associados a cinco desafios específicos.

1.2.1 Serviços e operações portuárias de fraca qualidade em alguns portos marítimos da RTE-T

A eficiência dos serviços portuários é crucial para o desempenho dos portos marítimos da RTE-T. A Comissão, em conjunto com o setor, identificou três problemas que podem impedir a organização ótima dos serviços portuários: (1) a pouca pressão concorrencial que se exerce sobre muitos serviços portuários, devido às restrições de acesso ao mercado; (2) as situações de monopólio ou oligopólio, que, ainda que justificadas em várias situações, podem conduzir

[1] COM(2011) 650 final/2. O número final de portos RTE-T dependerá dos resultados do processo legislativo em curso.

a abusos de mercado e (3) os encargos administrativos excessivos com que os utentes se confrontam em alguns portos, devido à falta de coordenação interna.

1.2.2 Os quadros de gestão portuária não são suficientemente atrativos para que haja investimentos em todos os portos marítimos da RTE-T

Os investimentos necessários para adaptar as capacidades portuárias à evolução das necessidades só são possíveis num quadro regulamentar e político estável, que reduza as incertezas económicas e assegure a igualdade de condições de concorrência. Todavia, não é isto que se passa em todos os portos da RTE-T. Vários fatores explicam esta situação: a) a insegurança jurídica criada pelas restrições de mercado acima referidas e b) a necessidade de um melhor planeamento das infraestruturas, problema que pode ser solucionado pela aplicação de regras mais estritas no âmbito da RTE-T.

Porém, duas outras questões fundamentais explicam o clima globalmente pouco atrativo que hoje existe em vários portos da RTE-T: (4) as relações financeiras pouco claras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários e (5) a reduzida autonomia dos portos no que respeita à definição das taxas de utilização das infraestruturas e as ligações pouco transparentes entre essas taxas e os custos relacionados com o acesso às infraestruturas portuárias.

1.3 Objetivo

O objetivo é contribuir para um funcionamento mais eficiente, interligado e sustentável da RTE-T, através da criação de um enquadramento que melhore o desempenho de todos os portos e os auxilie a fazer face à evolução das necessidades logísticas e de transporte. Os portos da RTE-T deverão ajudar a desenvolver o transporte marítimo de curta distância no âmbito das rotas de transporte intermodal, contribuindo, desse modo, para a sustentabilidade dos transportes, um dos principais objetivos do Livro Branco dos Transportes, e para a Estratégia Europa 2020 de crescimento assente na utilização eficiente dos recursos, que estimulará o crescimento do comércio e do transporte de mercadorias.

A presente iniciativa assegura uma abordagem equilibrada entre as medidas legislativas e as medidas não-jurídicas, de que é exemplo o diálogo social. Ela resulta de uma consulta intensiva e adequada das partes interessadas, que permitiu centrar o regulamento em medidas com elevado valor acrescentado europeu. O presente regulamento evitará encargos adicionais para os portos que já funcionam bem e criará as condições necessárias para os restantes portos enfrentarem os seus desafios estruturais.

1.4 Coerência com as outras políticas e com os objetivos da União Europeia

A proposta é consentânea com a política preconizada pela Comissão no Livro Branco dos Transportes (2011) e foi expressamente anunciada na secção relativa ao espaço único europeu dos transportes e ao acesso aos portos em condições de mercado. O Livro Branco afirma claramente a intenção da Comissão de examinar as restrições existentes à prestação de serviços portuários e reforçar a transparência do financiamento dos portos, aclarando a afetação dos fundos públicos às diferentes atividades portuárias, com vista a evitar distorções da concorrência. A proposta também foi identificada como uma das principais ações do Ato para o Mercado Único II e contribuirá para a realização do mercado único europeu.

A proposta completa e suplementa as políticas em curso e as propostas já apresentadas: as relativas às orientações para o desenvolvimento da rede transeuropeia de transportes e ao Mecanismo Interligar a Europa, que criam um enquadramento destinado a apoiar o desenvolvimento das ligações dos portos com o interior, a proposta de diretiva relativa à adjudicação de contratos de concessão, aplicável aos contratos de concessão nos portos, e os trabalhos preparatórios da iniciativa «Cintura Azul», que visa simplificar os procedimentos

aduaneiros aplicáveis às mercadorias da UE transportadas por navios que escalam os portos da União.

A proposta é aplicável a todos os portos da RTE-T, uma vez que, pela sua própria natureza, todos eles desempenham um papel significativo no sistema europeu de transportes, quer facilitando as trocas entre os Estados-Membros, quer melhorando a acessibilidade regional das zonas insulares ou periféricas. Importa salientar, todavia, que os princípios de não-discriminação e de liberdade de estabelecimento, consagrados no Tratado sobre o Funcionamento da União Europeia, e as regras de concorrência são igualmente aplicáveis aos outros portos, os quais, mesmo não estando integrados na rede transeuropeia, podem ter um papel importante ao nível local ou para outros setores que não o dos transportes, designadamente os da pesca e do turismo. Os Estados-Membros também podem decidir aplicar a esses portos as disposições do regulamento proposto.

2. RESULTADOS DAS CONSULTAS DAS PARTES INTERESSADAS E DAS AVALIAÇÕES DE IMPACTO

2.1 Consulta das partes interessadas

A DG MOVE tem vindo a dialogar com as administrações nacionais responsáveis pela política portuária (Ministérios dos Transportes). Organizou reuniões com as principais associações do setor portuário, nomeadamente: administrações portuárias (ESPO), operadores de terminais privados (FEPORT), portos fluviais (EFIP), armadores (ECSA), pilotos (EMPA), proprietários e operadores de rebocadores (ETA), operadores de serviços de amarração (EBA), agentes de navegação (ECASBA), carregadores (ESC), operadores de dragas (EuDA) e operadores logísticos (CLECAT). Reuniu-se igualmente com as duas principais organizações sindicais dos trabalhadores portuários, o International Dockers' Council (IDC) e a secção dos portuários da Federação Europeia dos Trabalhadores dos Transportes (ETF). Não foi possível consultar o comité de diálogo social setorial, visto este estar ainda a ser constituído.

Os trabalhos preparatórios alicerçaram-se num estudo económico sobre a qualidade e a eficiência dos portos europeus (PwC). Os trabalhos tiveram em conta a vasta investigação sobre a economia dos transportes, os portos e a logística e incluíram vários debates com peritos e investigadores do setor.

As partes interessadas foram amplamente consultadas por meio de dois inquéritos em linha e de uma conferência pública de dois dias (25-26 de setembro de 2012), realizada em Bruxelas. Em 18 de janeiro de 2013, teve lugar a audição pública final, onde se apresentaram os problemas principais e se debateram as opções de ação e seus eventuais impactos. Os resultados principais do processo de consulta (2012-2013) podem resumir-se do seguinte modo:

– Todas as partes interessadas realçaram a necessidade de assegurar condições de concorrência estáveis e equitativas na União Europeia, tanto entre portos como dentro de cada porto (concorrência entre prestadores do mesmo serviço portuário num dado porto). A necessidade de segurança jurídica e de um ambiente favorável às empresas, reduzindo ao máximo os encargos administrativos, é uma prioridade para todas as partes interessadas.

– A concorrência desleal entre os portos, ligada às práticas de financiamento público das infraestruturas portuárias, suscita grande preocupação. Os Estados-Membros e as administrações portuárias preconizam um controlo apertado dos auxílios estatais.

– Parte significativa dos utentes dos serviços portuários, companhias de navegação e empresas de exportação-importação considera que os serviços portuários de muitos portos da União não são satisfatórios em termos de preço, qualidade e encargos administrativos.

– 30 % das administrações portuárias europeias consideram insatisfatória a situação atual. Contudo, opõem-se maioritariamente à introdução de procedimentos da UE que limitem a capacidade dos poderes públicos para adjudicarem contratos e concederem autorizações por ajuste direto aos operadores de serviços portuários. A aplicação das regras da União em matéria de concessões a determinados contratos adjudicados nos portos suscita grande controvérsia em alguns Estados-Membros.

– Os sindicatos dos trabalhadores portuários opõem-se terminantemente a qualquer disposição da União que afete os regimes de trabalho portuário vigentes em alguns Estados-Membros. Os representantes dos serviços de pilotagem alegam que esta atividade, embora prestada contra remuneração, não constitui um serviço comercial e deve ser excluída da pressão concorrencial.

– Na sua maioria, as partes interessadas concordam que o sistema portuário da UE tem de evoluir e se adaptar a importantes desafios, resultantes da escassez de recursos de financiamento, da concorrência de portos de países terceiros vizinhos e de outras regiões do mundo, bem como da necessidade de criar valor acrescentado e postos de trabalho, e fazer face aos impactos ambientais. Todas são unânimes quanto à importância de manter e, se possível, aumentar o financiamento da UE em apoio dos portos e do transporte marítimo.

2.2 Avaliação do impacto

A avaliação do impacto identificou cinco objetivos operacionais relacionados com os dois principais desafios acima identificados.

2.2.1 Modernizar os serviços e operações portuárias

Em primeiro lugar, graças à otimização ds serviços e operações portuárias, vários portos da RTE-T poderão movimentar ou atrair mais carga e passageiros com as infraestruturas existentes. Este desafio traduz-se em três objetivos operacionais:

(1) Clarificar e facilitar o acesso ao mercado dos serviços portuários

Reduzir-se-ão, assim, as restrições de acesso ao mercado dos serviços portuários, ao mesmo tempo que se esclarecem e eliminam as atuais incertezas jurídicas decorrentes das regras horizontais do Tratado e das regras relativas aos contratos públicos.

(2) Prevenir os abusos de mercado por parte dos prestadores de serviços portuários designados

Assegurar-se-á, deste modo, que os prestadores designados prestam os seus serviços de forma economicamente eficiente, sem deixarem de cumprir o seu papel e a sua possível missão de serviço público, nomeadamente no domínio da segurança e do ambiente.

(3) Melhorar os mecanismos de coordenação dentro dos portos

Facilitar-se-á, assim, a atividade dos carregadores, dos operadores logísticos e dos donos da carga, reduzindo o tempo e o dinheiro necessários para utilização do porto. O esforço de coordenação também deverá beneficiar os operadores estabelecidos no porto, facilitando a criação de sinergias e evitando a duplicação de esforços para servir os mesmos clientes.

2.2.2 Criar um enquadramento propício ao investimento nos portos

Em segundo lugar, uma maior transparência financeira e autonomia dos portos criará condições de concorrência equitativas, incentivará uma tarifação mais eficiente e acabará por atrair mais investimentos. Esta desafio traduz-se, por sua vez, em dois objetivos operacionais adicionais.

(4) Conferir transparência às relações financeiras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários.

Assegurar-se-á, desta forma, a transparência financeira entre as funções dos poderes públicos e as operações comerciais, a fim de impedir que os portos e os prestadores de serviços beneficiem de vantagens concorrenciais desleais.

(5) Garantir que as taxas de utilização das infraestruturas portuárias são fixadas de forma autónoma e transparente:

Obter-se-á, assim, uma utilização mais eficiente das infraestruturas e uma maior racionalidade económica no planeamento, no investimento, na manutenção e na exploração das infraestruturas portuárias, além de ser possível emitir sinais de preço ambientais e societais.

Nesta base, foram consideradas quatro opções de ação:

(1) Pacote de medidas 1: Transparência

O pacote de medidas 1 (PM1) aplica uma medida que não é de natureza jurídica (comunicação não vinculativa) para clarificar e facilitar o acesso ao mercado dos serviços portuários. Introduz, contudo, disposições obrigatórias em situações de monopólio ou oligopólio: nesses casos, os preços dos serviços devem ser objeto de supervisão para evitar taxas excessivas ou discriminatórias. O financiamento e a fixação das taxas portuárias são deixados ao critério das autoridades competentes, com a condição de se assegurar a transparência. A coordenação dos serviços dentro de cada porto é facilitada por um comité dos utentes.

(2) Pacote de medidas 2: Concorrência regulada

O pacote de medidas 2 (PM2) introduz o princípio da liberdade de prestação de serviços num regime de acesso regulado ao mercado. Ao abrigo deste regime, a liberdade de prestação de serviços pode ser restringida se a falta de espaço na área portuária ou as obrigações de serviço público (disponibilidade, acessibilidade, etc.) o justificarem. Nesses casos, os serviços recém-atribuídos são submetidos a concurso público; em caso de prestação por operador interno, o serviço tem de permanecer confinado. Os preços dos serviços em situação de monopólio ou oligopólio estão sujeitos a supervisão. A transparência das relações financeiras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários é assegurada por contas separadas e por regras que vinculam as taxas de utilização das infraestruturas portuárias aos custos reais. A coordenação dos serviços dentro de cada porto é facilitada por um comité dos utentes.

(3) Pacote de medidas 2-A: Concorrência regulada e autonomia dos portos

O pacote de medidas 2-A (PM2-A) é semelhante ao PM2, com as diferenças seguintes:

A obrigação de concurso público em caso de condicionalismos de espaço ou de obrigações de serviço público é aplicável não só aos novos contratos, mas também aos contratos existentes que sejam substancialmente alterados. O âmbito da supervisão regulamentar dos prestadores de serviços em posição monopolista é mais limitado: aplica-se apenas aos contratos que não podem ser contestados, ou seja, aos contratos que não são objeto de concurso público. É conferida maior autonomia aos portos: no tocante às taxas de utilização das infraestruturas,

em vez de se impor o vínculo das taxas aos custos reais, cada porto terá o direito de estabelecer a sua própria estrutura e o seu próprio nível de taxas portuárias, desde que a política tarifária seja transparente. A iniciativa encoraja igualmente a diferenciação das taxas em função do desempenho ambiental dos navios.

(4) Pacote de medidas 3: Concorrência plena e autonomia dos portos

O pacote de medidas 3 (PM3) baseia-se no PM2-A, mas impõe, adicionalmente, a existência de, pelo menos, dois operadores concorrentes e independentes para cada serviço portuário em que o número de operadores seja limitado por motivo de condicionalismos de espaço. Também haveria separação funcional/jurídica. Esta separação levaria à multiplicação dos operadores portuários: para assegurar o bom funcionamento dos portos, seria necessário reforçar o papel de coordenação central das administrações portuárias. Tal como no PM2-A, cada administração portuária seria livre de determinar a estrutura e o nível das taxas de utilização das infraestruturas, de acordo com as suas próprias práticas comerciais.

Analisadas as diferentes opções e o seu impacto potencial, a Comissão concluiu que a melhor opção era o PM2-A, com uma variante para os serviços de movimentação de carga e os serviços de passageiros. Quanto às medidas relativas ao acesso ao mercado destes serviços, não é necessário propor novas disposições jurídicas. As regras e os requisitos existentes serão clarificados numa comunicação. As regras relativas à supervisão regulamentar dos preços praticados pelos prestadores de serviços em posição monopolista ou oligopolista e à transparência das contas serão, todavia, aplicáveis aos serviços de movimentação de carga e aos serviços de passageiros.

A avaliação do impacto destaca os benefícios potenciais em termos de economia de custos (10 000 000 EUR até 2030), desenvolvimento do transporte marítimo de curta distância, diminuição do congestionamento rodoviário e criação de emprego. A avaliação indica ainda que esta proposta não leva a alterações diretas significativas dos encargos administrativos nos portos. A introdução da liberdade de prestação de serviços reduzirá os custos administrativos para os portos, embora a supervisão dos preços, em alguns casos, e a consulta dos utentes possam exigir novos esforços administrativos. No entanto, importa salientar que esta proposta contribuirá indiretamente para a simplificação graças ao levantamento das restrições. Serão propostas novas medidas de simplificação na próxima iniciativa «Cintura Azul».

3. ELEMENTOS JURÍDICOS DA PROPOSTA

3.1 Síntese das medidas propostas

A proposta contém os seguintes elementos principais:

– O regulamento é aplicável a todos os portos marítimos identificados na proposta de orientações da União para o desenvolvimento da rede transeuropeia de transportes, apresentada pela Comissão.

– A liberdade de prestação de serviços será aplicável aos serviços portuários. Contudo, as administrações portuárias de um porto podem impor requisitos mínimos aos prestadores de serviços portuários específicos. Quando impostos, estes requisitos apenas poderão estar relacionados com as qualificações profissionais, os equipamentos necessários ou a segurança marítima, a segurança geral do porto e os aspetos ambientais relevantes. Os requisitos não deverão ser utilizados para introduzir barreiras no mercado de forma implícita e, por conseguinte, os critérios deverão ser objetivos e proporcionais, assegurando o tratamento equitativo de todos os operadores, atuais e potenciais. Os operadores potenciais deverão ter acesso a

formação para adquirirem os conhecimentos locais específicos que sejam necessários.

– A disposição acima mencionada não será imposta aos serviços de movimentação de carga nem aos terminais de passageiros. Estes serviços são frequentemente organizados por meio de contratos de concessão, que ficarão abrangidos pelo âmbito de aplicação da futura diretiva relativa à adjudicação de contratos de concessão, proposta pela Comissão[2]. Além disso, a adoção de disposições jurídicas adicionais poderia prejudicar os esforços em curso para encetar o diálogo social ao nível da União. Ao contrário dos serviços de pilotagem para entrada e saída dos portos, os serviços de pilotagem em mar alto não têm impacto direto na eficiência dos portos, pelo que não é necessário incluí-los no regulamento.

– Quando se justifique, a liberdade de prestação de serviços poderá ser condicionada, limitando-se o número de prestadores. Esta restrição deverá basear-se em dois elementos, condicionalismos ou reserva de espaço, que, se claramente documentados num plano formal de desenvolvimento portuário, podem justificar a limitação do número de operadores em atividade no perímetro do porto, ou a imposição de obrigações de serviço público a um operador, com propósitos claros e divulgados publicamente.

– Os Estados-Membros deverão ter a possibilidade de designar as autoridades competentes para impor obrigações de serviço público, em consonância com as regras aplicáveis aos auxílios estatais. As obrigações de serviço público devem estar claramente definidas e ser transparentes, não-discriminatórias e verificáveis, devendo estar também relacionadas com a disponibilidade (ininterrupção), a acessibilidade (a todos os utentes) ou a acessibilidade financeira (por parte de certas categorias de utentes) do serviço portuário.

– Caso uma autoridade competente imponha obrigações de serviço público num ou mais portos, essa autoridade terá a oportunidade de, ela própria, organizar e explorar comercialmente serviços portuários específicos, na condição de a sua atividade permanecer limitada ao porto ou portos em que impõe obrigações de serviço público.

– Os direitos dos trabalhadores deverão ser salvaguardados e os Estados-Membros deverão ter a opção de os reforçar caso haja transferência de empresas e o pessoal em causa trabalhe para a antiga empresa.

– Caso a administração do porto beneficie de fundos públicos, deve haver uma contabilidade transparente que demonstre a utilização eficaz e adequada desses fundos.

– Nos casos em que os prestadores designados de serviços portuários não tenham passado por concurso público e no caso dos operadores internos, deverá assegurar-se que o preço do serviço é transparente e não-discriminatório e é fixado de acordo com as condições de mercado normais, tendo particularmente em vista que as taxas totais não excedam os custos totais incorridos e um lucro razoável.

– A administração do porto deve definir as taxas de utilização das infraestruturas portuárias de forma autónoma e de acordo com a sua própria estratégia comercial e de investimento.

[2] COM(2011) 897 final.

– As taxas de utilização das infraestruturas portuárias podem variar em função das práticas comerciais relacionadas com a frequência de utilização do porto ou com vista a promover a utilização mais eficiente dessas infraestruturas, o transporte marítimo de curta distância ou um nível elevado de desempenho ambiental e eficiência energética, inclusive nas emissões de dióxido de carbono, nas operações de transporte.

– Em cada porto, deverá ser constituído um comité consultivo dos utentes. Este comité reunirá representantes dos operadores de navios, donos de carga e outros utentes do porto a que são cobradas taxas pela utilização das infraestruturas ou pelos serviços portuários. Este comité deve ser consultado a respeito da estrutura e do nível das taxas de utilização e, em certos casos, das taxas dos serviços.

– A administração do porto deve consultar as partes interessadas, como as empresas estabelecidas no porto, os prestadores de serviços portuários e os utentes do porto, sobre questões como a coordenação dos serviços portuários, as ligações ao interior ou os procedimentos administrativos.

– Os Estados-Membros devem assegurar que um órgão independente de supervisão acompanha e fiscaliza a aplicação do regulamento. Poderá tratar-se de um órgão já existente. Os diferentes órgãos nacionais de supervisão devem trocar informações sobre o seu trabalho e os seus princípios de tomada de decisões e cooperar estreitamente, apoiando-se mutuamente no desempenho das suas funções.

3.2 Base jurídica

A presente proposta tem por base jurídica o artigo 100.º, n.º 2, do Tratado sobre o Funcionamento da União Europeia.

3.3 Princípio da subsidiariedade

Os artigos 58.º, 90.º e 100.º do Tratado sobre o Funcionamento da União Europeia alargam aos portos os objetivos de um verdadeiro mercado interno no contexto da política comum de transportes.

O grosso do tráfego marítimo movimentado nos portos da RTE-T resulta das trocas comerciais entre Estados-Membros ou internacionais. Os portos têm uma clara função europeia: cerca de uma em cada duas toneladas do volume neles movimentado vem de ou segue, por mar ou por terra, para um Estado-Membro que não é aquele em que se localiza o porto pelo qual as mercadorias transitam[3]. A ação dos Estados-Membros não pode, só por si, assegurar a igualdade de condições de concorrência no mercado interno da União, nem um Estado-Membro pode tomar medidas para melhorar o desempenho de portos localizados no mesmo corredor transeuropeu, mas noutros Estados-Membros.

Em consequência, embora se reconheça a natureza específica do setor portuário e a sua longa história e cultura locais, por razões de mercado interno, efeitos de rede e dimensão internacional deste setor, a iniciativa proposta observa o princípio da subsidiariedade.

3.4 Princípio da proporcionalidade

O regulamento abrange apenas os portos marítimos da RTE-T. Esta restrição garante a proporcionalidade, na medida em que evita a imposição de regras desnecessárias a portos muito pequenos sem papel significativo no sistema europeu de transportes. Em contrapartida, os portos marítimos da RTE-T movimentam a esmagadora maioria do tráfego e são, por

[3] Em resultado das trocas comerciais entre os Estados-Membros e das trocas comerciais entre um Estado-Membro e um país terceiro através de outro Estado-Membro.

definição, essenciais para as trocas comerciais internacionais e intraeuropeias e, por conseguinte, para o mercado interno europeu e/ou para a coesão da União Europeia. Além disso, os portos da RTE-T são elegíveis para receber financiamento da UE.

O âmbito de aplicação não foi adicionalmente restringido aos portos da rede principal para não se correr o risco de criar distorções da concorrência entre esses portos e os outros portos da RTE-T. Além disso, o funcionamento eficiente da rede necessita tanto dos portos principais (que normalmente são plataformas centrais) como dos portos menos importantes da RTE-T para a distribuição regional.

3.5 Escolha do instrumento

Embora os Estados-Membros e os poderes públicos regionais e locais sejam, tradicionalmente, os principais intervenientes no desenvolvimento e na gestão das infraestruturas portuárias, esta situação tem vindo a mudar. Os operadores de transportes, as entidades e organismos públicos autónomos e outras entidades públicas e privadas passaram também a desempenhar um papel fundamental no desenvolvimento, gestão e organização portuárias. É importante, por conseguinte, que a presente legislação relativa ao acesso ao mercado dos serviços portuários e à transparência financeira nos portos seja de aplicação geral. Além disso, para assegurar a aplicação e execução uniformes, bem como a igualdade de condições de concorrência no mercado interno, a legislação deve ser obrigatória em todos os seus elementos e diretamente aplicável. Assim, a Comissão optou por um regulamento como instrumento jurídico adequado para a presente proposta. Esta opção também evitará a imposição de encargos administrativos suplementares aos Estados-Membros e à Comissão.

3.6 Espaço Económico Europeu

O regulamento proposto incide em matérias respeitantes ao Espaço Económico Europeu, pelo que o seu âmbito deve ser alargado ao EEE.

2013/0157 (COD)

Proposta de

REGULAMENTO DO PARLAMENTO EUROPEU E DO CONSELHO

que estabelece um quadro normativo para o acesso ao mercado dos serviços portuários e a transparência financeira dos portos

(Texto relevante para efeitos do EEE)

O PARLAMENTO EUROPEU E O CONSELHO DA UNIÃO EUROPEIA,

Tendo em conta o Tratado sobre o Funcionamento da União Europeia, nomeadamente o artigo 100.º, n.º 2,

Tendo em conta a proposta da Comissão Europeia,

Após transmissão do projeto de ato legislativo aos parlamentos nacionais,

Tendo em conta o parecer do Comité Económico e Social Europeu[4],

Tendo em conta o parecer do Comité das Regiões[5],

Deliberando de acordo com o processo legislativo ordinário,

Considerando o seguinte:

(1) A plena integração dos portos em cadeias logísticas e de transporte sem descontinuidades é necessária para o crescimento e para a utilização e funcionamento mais eficientes da rede transeuropeia de transportes e do mercado interno. Ela exige serviços portuários modernos que contribuam para a utilização eficiente dos portos e para um clima favorável ao investimento que possibilite o desenvolvimento portuário em sintonia com as necessidades logísticas e de transporte atuais e futuras.

(2) Na comunicação intitulada «Ato para o Mercado Único II – Juntos para um novo crescimento»[6], a Comissão recordou que a atratividade do transporte marítimo depende da disponibilidade, eficiência e fiabilidade dos serviços portuários e que era necessário abordar as questões respeitantes à transparência do financiamento público e das taxas portuárias, à simplificação administrativa e à análise das restrições à prestação de serviços portuários.

(3) A facilitação do acesso ao mercado dos serviços portuários ao nível da União e a promoção da transparência financeira e da autonomia dos portos marítimos melhorarão a qualidade e a eficiência do serviço prestado aos utentes e contribuirão para um clima mais favorável ao investimento nos portos, ajudando, assim, a reduzir os custos para os utilizadores dos transportes e a promover o transporte marítimo de curta distância, bem como uma melhor articulação do transporte marítimo com o ferroviário, fluvial e rodoviário.

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4 JO C , p. .

5 JO C , p. .

6 COM(2012) 573 final de 3.10.2012.

(4) O grosso do tráfego marítimo da União transita pelos portos marítimos da rede transeuropeia de transportes. A fim de atingir o seu objetivo de forma proporcional e sem impor encargos desnecessários a outros portos, o presente regulamento deve aplicar-se aos portos da rede transeuropeia de transportes, cada um dos quais desempenha um papel significativo no sistema europeu de transportes, quer por movimentarem mais de 0,1 % do tráfego total de mercadorias da UE ou do número total de passageiros, quer por melhorarem a acessibilidade regional das zonas insulares ou periféricas, sem prejuízo, porém, da possibilidade de os Estados-Membros decidirem aplicá-lo também a outros portos. Os serviços de pilotagem em alto mar não afetam diretamente a eficiência do porto, uma vez que não são utilizados para a entrada ou saída direta dos navios, pelo que não é necessário incluí-los no presente regulamento.

(5) O objetivo do artigo 56.º do Tratado sobre o Funcionamento da União Europeia é eliminar as restrições à livre prestação de serviços na União. Nos termos do artigo 58.º do mesmo Tratado, esse objetivo deve ser alcançado no quadro das disposições constantes do título relativo aos transportes, mais especificamente do artigo 100.º, n.º 2.

(6) A autoprestação de serviços, a qual implica que as companhias de navegação e os prestadores de serviços portuários empreguem pessoal da sua escolha e prestem serviços portuários a si próprios, está regulamentada em vários Estados-Membros por motivos de segurança ou sociais. As partes interessadas consultadas pela Comissão aquando da elaboração da sua proposta salientaram que a imposição de uma permissão generalizada da autoprestação de serviços a nível da União exigiria a adoção de normas de segurança e sociais suplementares para evitar os possíveis impactos negativos nestes domínios. Por conseguinte, afigura-se adequado não regulamentar, por enquanto, esta questão ao nível da União, deixando que os Estados-Membros decidam se querem ou não fazê-lo ao nível nacional. Em consequência, o presente regulamento apenas abrange a prestação de serviços portuários contra remuneração.

(7) Tendo em vista uma gestão portuária eficiente, segura e ecológica, a administração do porto deve poder exigir que os prestadores de serviços portuários demonstrem cumprir requisitos mínimos para a prestação adequada do serviço. Estes requisitos mínimos deverão limitar-se a um conjunto de condições claramente definidas e respeitantes às qualificações profissionais dos operadores, incluindo em termos de formação, e ao equipamento necessário, e devem ser transparentes, não-discriminatórios, objetivos e relevantes para a prestação do serviço portuário.

(8) Dispor do equipamento necessário implica que o prestador do serviço portuário o possua, ou dele disponha por aluguer ou locação financeira, e tenha, em todo o caso, um controlo direto e inquestionável sobre ele, a fim de garantir que o pode usar sempre que necessário.

(9) O procedimento de concessão do direito de prestar serviços portuários, quando for exigido o cumprimento de requisitos mínimos, deve ser transparente, objetivo e não-discriminatório, além de permitir que os prestadores de serviços portuários iniciem a prestação dos seus serviços em tempo útil.

(10) Uma vez que os portos são áreas circunscritas, o acesso ao mercado pode, em alguns casos, estar a sujeito a limitações relacionadas com a escassez de espaço ou com a reserva de terrenos para certos tipos de atividade, em conformidade com um plano formal de desenvolvimento, que defina de forma transparente o uso dos espaços, e

com a legislação nacional em vigor, nomeadamente a relacionada com os objetivos de ordenamento do território.

(11) Qualquer intenção de limitar o número de prestadores de serviços portuários deve ser previamente publicada pela autoridade competente e devidamente justificada, a fim de dar às partes interessadas a oportunidade de apresentarem as suas observações. Os critérios de limitação devem ser objetivos, transparentes e não-discriminatórios.

(12) Para ser aberto e transparente, o processo de seleção dos prestadores de serviços portuários e o respetivo resultado devem ser divulgados publicamente e todos os documentos fornecidos às partes interessadas.

(13) O processo de seleção dos prestadores de serviços portuários, caso o número de prestadores seja limitado, deve seguir os princípios e a abordagem estabelecidos na Diretiva ../../… [contratos de concessão][7], incluindo o limiar e o método para determinar o valor dos contratos, bem como a definição de «modificações substanciais» e os elementos relativos à duração do contrato.

(14) O recurso a obrigações de serviço público conducentes à limitação do número de prestadores de um serviço portuário só pode justificar-se por razões de interesse público, a fim de assegurar a acessibilidade do serviço portuário a todos os utentes, a sua disponibilidade durante todo o ano e a sua acessibilidade económica a certas categorias de utentes.

(15) Sempre que seja necessário limitar o número de prestadores de serviços portuários, a decisão sobre essa limitação pode ser delegada pelo Estado-Membro numa autoridade diferente, para salvaguardar a concorrência. A limitação do número de prestadores de serviços portuários deve obedecer a um procedimento aberto, transparente e não-discriminatório. Não deverá ser esse o caso, todavia, quando as obrigações de serviço público tenham de ser diretamente confiadas a uma autoridade competente ou a um operador interno.

(16) O presente regulamento não exclui a possibilidade de as autoridades competentes concederem uma compensação pelo cumprimento das obrigações de serviço público, desde que conforme com as regras aplicáveis aos auxílios estatais. Caso as obrigações de serviço público sejam elegíveis a título de serviços de interesse económico geral, deve assegurar-se a conformidade com a Decisão da Comissão, de 20 de novembro de 2011, relativa à aplicação do artigo 106.º, n.º 2, do Tratado sobre o Funcionamento da União Europeia aos auxílios estatais sob a forma de compensação de serviço público concedidos a certas empresas encarregadas da gestão de serviços de interesse económico geral[8], o Regulamento (UE) n.º 360/2012 da Comissão, de 25 de abril de 2012, relativo à aplicação dos artigos 107.º e 108.º do Tratado sobre o Funcionamento da União Europeia aos auxílios *de minimis* concedidos a empresas que prestam serviços de interesse económico geral[9] e o enquadramento da União Europeia aplicável aos auxílios estatais sob a forma de compensação de serviço público[10].

(17) A administração do porto não deve discriminar prestadores de serviços portuários, nomeadamente em favor de uma empresa ou organismo em que tenha interesses.

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7 Proposta de diretiva relativa à adjudicação de contratos de concessão [COM(2011) 897 final].
8 JO L 7 de 11.1.2012, p. 3.
9 JO L 114 de 26.4.12, p. 8.
10 JO C 8 de 11.1.2012.

(18) As autoridades competentes designadas num Estado-Membro devem ter a possibilidade de prestarem elas próprias os serviços portuários objeto de obrigações de serviço público ou de confiarem diretamente a prestação desses serviços a um operador interno. Uma autoridade competente que decida prestar ela própria o serviço poderá fazê-lo por intermédio de agentes por ela empregados ou incumbidos dessa prestação. Quando tal limitação for aplicada em todos os portos da RTE-T localizados no território de um Estado-Membro, a Comissão deve ser informada. Nos casos em que as autoridades competentes de um Estado-Membro façam essa escolha, a prestação de serviços portuários pelos operadores internos deve confinar-se exclusivamente ao porto ou portos para os quais foram designados. Além disso, em tais casos, as taxas dos serviços portuários aplicadas pelo operador devem ser objeto de fiscalização pelo órgão independente de supervisão.

(19) Os Estados-Membros devem conservar a possibilidade de garantir ao pessoal das empresas que prestam serviços portuários um nível adequado de proteção social. O presente regulamento não afeta a aplicação dos regimes sociais e laborais dos Estados-Membros. Nos casos em que há limitação do número de prestadores de serviços portuários e a celebração de um contrato de serviço portuário possa implicar a mudança de operador, as autoridades competentes devem ter a possibilidade de solicitar ao operador escolhido que aplique as disposições da Diretiva 2001/23/CE do Conselho relativa à aproximação das legislações dos Estados-Membros respeitantes à manutenção dos direitos dos trabalhadores em caso de transferência de empresas ou de estabelecimentos, ou de partes de empresas ou de estabelecimentos[11].

(20) Em muitos portos, o acesso ao mercado dos serviços de movimentação de carga e dos serviços de passageiros é concedido aos prestadores por contratos públicos de concessão. Este tipo de contratos ficará abrangido pela Diretiva ..../…[contratos de concessão]. Consequentemente, o capítulo II do presente regulamento não é aplicável à prestação de serviços de movimentação de carga e serviços de passageiros, mas os Estados-Membros devem poder decidir aplicar as suas disposições a esses dois serviços. Em relação a outros tipos de contratos utilizados pelos poderes públicos para conceder acesso ao mercado dos serviços de movimentação de carga e dos serviços de passageiros, o Tribunal de Justiça da União Europeia confirmou que as autoridades competentes estão vinculadas aos princípios de transparência e não-discriminação quando celebram esses contratos. Estes princípios são integralmente aplicáveis à prestação de quaisquer serviços portuários.

(21) Importa conferir transparência às relações financeiras entre os portos marítimos beneficiários de financiamento público e os prestadores de serviços portuários, por um lado, e os poderes públicos, por outro lado, para garantir a igualdade de condições de concorrência e evitar distorções do mercado. Neste aspeto, o presente regulamento alarga a outras categorias de destinatários os princípios de transparência das relações financeiras estabelecidos na Diretiva 2006/111/CE da Comissão relativa à transparência das relações financeiras entre os Estados-Membros e as empresas públicas, bem como à transparência financeira relativamente a certas empresas[12], sem prejuízo do âmbito de aplicação desta.

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11 JO L 82 de 22.03.01, p. 16.

12 JO L 184 de 17.11.2006, p. 17.

(22) É necessário impor às administrações dos portos beneficiários de financiamento público, quando sejam simultaneamente prestadoras de serviços, a obrigação de manterem as contas das atividades que exercem na qualidade de administração portuária separadas das contas das atividades que exercem em concorrência, a fim de garantir a igualdade de condições de concorrência e a transparência na atribuição e na utilização de fundos públicos, e evitar distorções do mercado. Em qualquer caso, deve assegurar-se o cumprimento das regras aplicáveis aos auxílios estatais.

(23) As taxas dos serviços portuários aplicadas pelos prestadores que não sejam designados por meio de um procedimento aberto, transparente e não-discriminatório implicam um maior risco de abuso dos preços devido à situação monopolista ou oligopolista desses prestadores e ao facto de o seu contrato não poder ser contestado. O mesmo se aplica às taxas cobradas pelos operadores internos, na aceção do presente regulamento. Em relação a esses serviços, na falta de mecanismos de mercado que asegurem condições equitativas, devem tomar-se disposições para garantir que as taxas cobradas refletem as condições normais do mercado em causa e são fixadas com transparência e sem discriminações.

(24) Para serem eficientes, as taxas de utilização das infraestruturas de cada porto devem ser fixadas de forma transparente e autónoma, em conformidade com a estratégia comercial e de investimento do próprio porto.

(25) Deve permitir-se a diferenciação das taxas de utilização das infraestruturas portuárias para promover o transporte marítimo de curta distância e atrair navios que tenham desempenho ambiental ou eficiência superiores à média, em termos de consumo de energia e das emissões de dióxido de carbono, nas operações de transporte, nomeadamente nas operações em terra e no mar associadas ao transporte marítimo. Contribuir-se-á, assim, para as políticas no domínio do ambiente e das alterações climáticas, bem como para o desenvolvimento sustentável do porto e da sua área envolvente, nomeadamente graças à redução da pegada ambiental dos navios que nele fazem escala ou estada.

(26) Devem existir estruturas adequadas para assegurar que os utentes dos portos a que são cobradas taxas pela utilização de infraestruturas portuárias e/ou pelos serviços portuários são regularmente consultados quando essas taxas são definidas ou alteradas. As administrações portuárias também devem consultar regularmente outras partes interessadas sobre as principais questões relativas ao adequado desenvolvimento do porto, ao seu desempenho e à sua capacidade para atrair e gerar atividades económicas, como a coordenação dos serviços portuários na zona do porto e a eficácia das ligações ao interior e dos procedimentos administrativos portuários.

(27) A fim de assegurar a aplicação correta e eficaz do presente regulamento, deve designar-se em cada Estado-Membro um órgão independente de supervisão, que pode ser um organismo já existente.

(28) Os órgãos independentes de supervisão devem trocar informações sobre o seu trabalho e cooperar com vista a assegurar a aplicação uniforme do presente regulamento.

(29) A fim de complementar e alterar alguns elementos do presente regulamento não essenciais e, em especial, de promover a aplicação uniforme das taxas ambientais, reforçar a coerência destas taxas ao nível da União e assegurar princípios de tarifação comuns em relação com a promoção do transporte marítimo de curta distância, deve ser delegado na Comissão o poder de adotar atos, em conformidade com o artigo 290.º do Tratado sobre o Funcionamento da União Europeia, no que diz respeito à

classificação comum dos navios, dos combustíveis e dos tipos de operação, para efeitos da diferenciação das taxas de utilização das infraestruturas, e aos princípios comuns de tarifação da utilização das infraestruturas portuárias. É particularmente importante que a Comissão proceda às consultas adequadas durante os trabalhos preparatórios, inclusive ao nível dos peritos. Ao preparar e redigir atos delegados, a Comissão deve assegurar a transmissão simultânea, atempada e adequada dos documentos pertinentes ao Parlamento Europeu e ao Conselho.

(30) A fim de assegurar condições uniformes de aplicação do presente regulamento, deverão ser conferidas à Comissão competências de execução, no que diz respeito à criação de mecanismos adequados para o intercâmbio de informações entre os órgãos independentes de supervisão. Essas competências devem ser exercidas em conformidade com o Regulamento (UE) n.º 182/2011 do Parlamento Europeu e do Conselho, de 16 de Fevereiro de 2011, que estabelece as regras e os princípios gerais relativos aos mecanismos de controlo pelos Estados-Membros do exercício das competências de execução pela Comissão[13].

(31) Atendendo a que os objetivos do presente regulamento, a saber, assegurar a modernização dos serviços portuários e o enquadramento adequado para atrair os investimentos necessários em todos os portos da rede transeuropeia de transportes, não podem ser suficientemente realizados pelos Estados-Membros, devido à dimensão europeia e à natureza internacional e transnacional das atividades portuárias e das atividades marítimas conexas, e podem, pois, dada a necessidade de assegurar a igualdade de condições de concorrência ao nível europeu, ser mais facilmente alcançados ao nível da União, esta pode tomar medidas, em conformidade com o princípio da subsidiariedade consagrado no artigo 5.º do Tratado da União Europeia. Em conformidade com o princípio da proporcionalidade consagrado no mesmo artigo, o presente regulamento não excede o necessário para se alcançarem aqueles objetivos.

(32) O presente regulamento respeita os direitos fundamentais e observa os princípios reconhecidos, nomeadamente, pela Carta dos Direitos Fundamentais da União Europeia.

[13] JO L 55 de 28.02.11, p. 13.

ADOTARAM O PRESENTE REGULAMENTO:

CAPÍTULO I – Objeto, âmbito de aplicação e definições

Artigo 1.º
Objeto e âmbito de aplicação

1. O presente regulamento estabelece:

   (a) um quadro claro de acesso ao mercado dos serviços portuários;

   (b) regras comuns em matéria de transparência financeira e de tarifação a aplicar pelas administrações portuárias e pelos prestadores de serviços portuários.

2. O presente regulamento é aplicável à prestação das seguintes categorias de serviços portuários, quer dentro da zona portuária, quer nos canais de entrada ou saída do porto.

   (a) abastecimento de combustível;

   (b) movimentação de carga;

   (c) dragagem;

   (d) amarração;

   (e) serviços de passageiros;

   (f) fornecimento de meios portuários de receção;

   (g) pilotagem;

   (h) reboque.

3. O presente regulamento é aplicável a todos os portos marítimos da rede transeuropeia de transportes, definida no anexo I do Regulamento XXX [Regulamento relativo às orientações para a RTE-T].

4. Os Estados-Membros podem aplicar o presente regulamento a outros portos marítimos. Os Estados-Membros que decidam aplicar o regulamento a outros portos marítimos devem notificar a sua decisão à Comissão.

Artigo 2.º
Definições

Para efeitos do presente regulamento, entende-se por:

1. «Abastecimento de combustível», o fornecimento, aos navios acostados, de combustível sólido, líquido ou gasoso ou de qualquer outra fonte de energia para propulsão do navio e para o seu aprovisionamento geral e específico em energia;

2. «Serviços de movimentação de carga», a organização e a execução das operações de movimentação da carga entre o navio que a transporta e terra, independentemente de a carga se destinar a importação ou exportação ou estar em trânsito, incluindo o tratamento, o transporte e o armazenamento temporário da carga no terminal correspondente, diretamente relacionados com a operação de transporte, mas excluindo a armazenagem em entreposto, a desconsolidação e consolidação e quaisquer outros serviços de valor acrescentado relacionados com a carga movimentada;

3. «Dragagem», a remoção de areia, sedimentos ou outras substâncias do fundo dos canais de acesso ao porto, a fim de permitir que os navios possam aceder ao porto, compreendendo tanto a remoção inicial (dragagem principal) como a dragagem de manutenção para manter os canais acessíveis;

4. «Instalação portuária essencial», uma instalação cujo acesso é indispensável para a prestação de um serviço portuário e que não pode ser reproduzida em condições de normais de mercado;

5. «Administração do porto», a entidade pública ou privada que, em conjugação ou não com outras actividades, tem como função, nos termos da legislação ou da regulamentação nacional, a administração e gestão das infraestruturas portuárias e do tráfego portuário, bem como a coordenação e, se for o caso, o controlo das atividades dos operadores presentes no porto;

6. «Serviços de amarração», os serviços necessários para ancorar ou acostar os navios no porto ou nos canais de acesso ao porto;

7. «Serviços de passageiros», a organização e a execução das operações de movimentação de passageiros entre o navio que os transporta e terra, incluindo o tratamento dos dados pessoais e o transporte dos passageiros no interior do terminal correspondente;

8. «Pilotagem», o serviço de condução de um navio por um piloto ou uma estação de pilotagem, a fim de permitir a sua navegação segura nos canais de acesso ao porto;

9. «Taxa de utilização da infraestrutura portuária», a taxa cobrada em benefício direto ou indireto da administração do porto e paga pelos operadores dos navios ou pelos donos da carga pela utilização das instalações e dos serviços que permitem a entrada e saída dos navios, incluindo os canais de acesso ao porto, bem como o acesso ao tratamento dos passageiros e da carga;

10. «Meio portuário de recepção», uma estrutura fixa, flutuante ou móvel apta a receber resíduos gerados nos navios ou resíduos da carga, na aceção da Diretiva 2000/59/CE do Parlamento Europeu e do Conselho relativa aos meios portuários de receção de resíduos gerados em navios e de resíduos da carga[14];

11. «Taxa de serviço portuário», a taxa cobrada em benefício do prestador de serviços portuários e paga pelos utentes do serviço em causa;

12. «Contrato de serviço portuário», um acordo formal e juridicamente vinculativo entre o prestador de um serviço portuário e uma autoridade competente, mediante o qual esta entidade o designa para prestar serviços portuários, na sequência de um procedimento destinado a limitar o número de prestadores;

13. «Prestador de serviços portuários», uma pessoa singular ou colectiva que presta ou pretende prestar, a título oneroso, uma ou mais das categorias de serviços portuários enumeradas no artigo 1.º, n.º 2;

14. «Obrigação de serviço público», uma imposição definida ou determinada com vista a assegurar a prestação dos serviços portuários de interesse geral que um operador, caso considerasse o seu próprio interesse comercial, não assumiria, ou não assumiria na mesma medida ou nas mesmas condições.

[14] JO L 332 de 28.12.2000, p. 81-90.

15. «Transporte marítimo de curta distância», o tráfego marítimo de mercadorias e passageiros entre portos situados na Europa geográfica ou entre esses portos e portos situados em países não europeus com faixa costeira nos mares confinados que banham a Europa.

16. «Porto marítimo», uma área em terra e na água em que foram feitas as obras e instalados os equipamentos que permitem, principalmente, a receção de navios e a sua carga e descarga, o armazenamento de mercadorias, a receção e entrega destas mercadorias e o embarque e desembarque de passageiros, bem como qualquer outra infraestrutura necessária para os operadores de transportes na zona portuária;

17. «Reboque», a assistência prestada por um rebocador à manobra de um navio, para que este possa entrar ou sair do porto com segurança;

18. «Canais de acesso ao porto», as vias navegáveis de acesso ao porto a partir do alto mar, nomeadamente aproximações, canais marítimos, rios, canais e fiordes.

CAPÍTULO II – Acesso ao mercado

Artigo 3.º

Liberdade de prestação de serviços

1. A liberdade de prestação de serviços nos portos marítimos abrangidos pelo presente regulamento é aplicável aos prestadores de serviços portuários estabelecidos na União, nas condições estabelecidas no presente capítulo.

2. Os prestadores de serviços portuários devem ter acesso às instalações portuárias essenciais na medida do necessário ao exercício das suas actividades. As condições de acesso devem ser equitativas, razoáveis e não-discriminatórias.

Artigo 4.º

Requisitos mínimos para a prestação de serviços portuários

1. A administração do porto pode exigir que os prestadores de serviços portuários cumpram requisitos mínimos para efeitos da prestação do serviço portuário correspondente.

2. Os requisitos mínimos a que se refere o n.º 1 apenas podem dizer respeito:

   (a) às qualificações profissionais do prestador, do seu pessoal ou das pessoas singulares que gerem efetiva e continuadamente as atividades do prestador;

   (b) aos equipamentos necessários para a prestação do serviço portuário em causa, em condições de normalidade e segurança, e à capacidade de manter estes equipamentos ao nível adequado;

   (c) ao cumprimento dos requisitos de segurança marítima, de segurança do porto e dos seus acessos, instalações e equipamentos e de segurança das pessoas;

   (d) ao cumprimento dos requisitos ambientais locais, nacionais, da União e internacionais.

3. Os requisitos mínimos devem ser transparentes, não-discriminatórios, objetivos e pertinentes para a categoria e a natureza dos serviços portuários em causa.

4. Se os requisitos mínimos compreenderem conhecimentos locais específicos ou a familiarização com as condições locais, a administração do porto deve assegurar um

acesso adequado à formação necessária, em condições transparentes e sem discriminações, salvo se o Estado-Membro o assegurar.

5. No caso previsto no n.º 1, os requisitos mínimos a que se refere o n.º 2 e o procedimento de concessão do direito de prestar serviços portuários com base nesses requisitos devem ser publicados pela administração do porto até 1 de julho de 2015 ou, se os requisitos forem aplicáveis depois dessa data, pelo menos três meses antes da data de aplicação prevista. Os prestadores de serviços portuários devem ser previamente informados das alterações aos critérios e ao procedimento.

Artigo 5.º

Procedimento para assegurar o cumprimento dos requisitos mínimos

1. A administração do porto deve tratar os prestadores de serviços portuários com equidade e agir com transparência.

2. A administração do porto deve deferir ou indeferir os pedidos de concessão do direito de prestar serviços portuários com base nos requisitos mínimos estabelecidos em conformidade com o artigo 4.º no prazo de um mês a contar da data de receção do pedido. As decisões de indeferimento devem ser devidamente justificadas com base em critérios objetivos, transparentes, não-discriminatórios e proporcionados.

3. A limitação da vigência da decisão emitida nos termos do n.º 2 só pode justificar-se por razões relacionadas com o tipo e a natureza do serviço portuário.

Artigo 6.º

Limitação do número de prestadores de serviços portuários

1. Em derrogação do artigo 3.º, a administração do porto pode limitar o número de prestadores de um serviço portuário por uma ou várias das seguintes razões:

   (a) a escassez de espaço ou o uso reservado de terrenos, desde que possa demonstrar que esse terreno constitui uma instalação portuária essencial para a prestação do serviço portuário e que a limitação obedece ao plano formal de desenvolvimento portuário, aprovado pela administração do porto e, se for o caso, por outros poderes públicos competentes nos termos da legislação nacional;

   (b) as obrigações de serviço público previstas no artigo 8.º, na medida em que a ausência de limitação possa obstar ao cumprimento das obrigações que incumbem aos prestadores de serviços portuários.

2. A administração do porto deve publicar as propostas de aplicação do n.º 1 com seis meses de antecedência, pelo menos, juntamente com as razões que as justificam, dando às partes interessadas a oportunidade de apresentarem observações num prazo razoável.

3. A administração do porto deve publicar a decisão adotada.

4. Se a administração de um porto prestar serviços portuários ela própria ou por intermédio de uma entidade juridicamente distinta que controle direta ou indiretamente, o Estado-Membro pode confiar a adoção da decisão de limitar o número de prestadores de serviços portuários a uma autoridade independente da administração do porto. Se o Estado-Membro não confiar a adoção dessa decisão a uma tal autoridade, o número de prestadores não pode ser inferior a dois.

Artigo 7.º

Procedimento de limitação do número de prestadores de serviços portuários

1. A limitação do número de prestadores de um serviço portuário nos termos do artigo 6.º deve fazer-se por um procedimento de seleção aberto a todas as partes interessadas, não-discriminatório e transparente.

2. Se o valor estimado do serviço portuário exceder o limiar referido no n.º 3, são aplicáveis as regras relativas aos procedimentos de adjudicação, às garantias processuais e à duração máxima dos contratos de concessão estabelecidas na Diretiva …./…. [contratos de concessão].

3. O limiar e o método para determinar o valor do serviço portuário são os indicados nas disposições pertinentes e aplicáveis da Diretiva …./…. [contratos de concessão].

4. O prestador ou prestadores selecionados e a administração do porto devem celebrar um contrato de serviço portuário.

5. Para efeitos do presente regulamento, uma modificação substancial, na aceção da Diretiva …./… [contratos de concessão], das disposições de um contrato de serviço portuário, durante o seu período de vigência, é considerada equivalente a um novo contrato e exige um novo procedimento conforme previsto no n.º 2.

6. Os n.^{os} 1 a 5 não são aplicáveis nos casos a que se refere o artigo 9.º.

7. O presente regulamento não prejudica a aplicação da Diretiva …/… [contratos de concessão][15], da Diretiva …./….[serviços de utilidade pública][16] e da Diretiva …/… [contratos públicos][17].

Artigo 8.º

Obrigações de serviço público

1. Os Estados-Membros podem decidir impor aos prestadores obrigações de serviço público relativas aos serviços portuários, a fim de garantir:

   (a) a disponibilidade do serviço sem interrupções, durante o dia, a noite, a semana e o ano;

   (b) a disponibilidade do serviço para todos os utentes;

   (c) a acessibilidade económica do serviço para determinadas categorias de utentes.

2. As obrigações a que se refere o n.º 1 devem estar claramente definidas e ser transparentes, não-discriminatórias e verificáveis e devem garantir a igualdade de acesso a todos os prestadores de serviços estabelecidos na União.

3. Os Estados-Membros designam as autoridades competentes no seu território para impor essas obrigações de serviço público. A administração do porto pode ser autoridade competente.

4. Se a autoridade competente designada nos termos do n.º 3 não for a administração do porto, é ela que exerce as competências previstas nos artigos 6.º e 7.º no que respeita

[15] Proposta de diretiva relativa à adjudicação de contratos de concessão [COM(2011) 897 final].

[16] Proposta de diretiva relativa aos contratos públicos celebrados pelas entidades que operam nos setores da água, da energia, dos transportes e dos serviços postais [COM(2011) 895 final].

[17] Proposta de diretiva relativa aos contratos públicos [COM(2011) 896 final].

à limitação do número de prestadores de serviços portuários com base nas obrigações de serviço público.

5. Uma autoridade competente que decida impor obrigações de serviço público em todos os portos marítimos do Estado-Membro abrangidos pelo presente regulamento deve notificar as ditas obrigações à Comissão.

6. Em caso de interrupção ou risco iminente de interrupção de serviços portuários a que foram impostas obrigações de serviço público, a autoridade competente pode tomar uma medida de emergência. Essa medida pode assumir a forma de adjudicação do serviço por ajuste direto a outro prestador, pelo período máximo de um ano. Durante este período, a autoridade competente deve lançar um novo procedimento de seleção do prestador de serviços portuários nos termos do artigo 7.º ou aplicar o artigo 9.º.

Artigo 9.º

Operador interno

1. No caso previsto no artigo 6.º, n.º 1, alínea b), a autoridade competente pode decidir prestar ela própria o serviço portuário abrangido por obrigações de serviço público ou impor essas obrigações diretamente a uma entidade juridicamente distinta sobre a qual exerça um controlo análogo ao exercido sobre os seus próprios departamentos. Nesse caso, considera-se, para efeitos do presente regulamento, que o prestador de serviços portuários é um operador interno.

2. A autoridade competente exerce sobre uma entidade juridicamente distinta um controlo análogo ao exercido sobre os seus próprios departamentos se exercer uma influência decisiva sobre os objetivos estratégicos e as decisões relevantes dessa entidade.

3. O operador interno apenas pode prestar o serviço portuário em causa no porto ou portos para os quais lhe foi atribuída a incumbência de prestar o serviço.

4. Uma autoridade competente que decida aplicar o n.º 1 em todos os portos marítimos do Estado-Membro abrangidos pelo presente regulamento deve informar a Comissão dessa decisão.

5. O presente artigo não prejudica a aplicação da Diretiva …./….[contratos de concessão].

Artigo 10.º

Proteção dos direitos dos trabalhadores

1. O presente regulamento não afeta a aplicação dos regimes sociais e laborais dos Estados-Membros.

2. Sem prejuízo do direito nacional e do direito da União, incluindo as convenções coletivas entre os parceiros sociais, a administração do porto pode exigir ao prestador de serviços portuários designado por meio do procedimento estabelecido no artigo 7.º, se este prestador não for o prestador histórico de serviços portuários, que proporcione ao pessoal anteriormente contratado pelo prestador histórico os direitos de que beneficiaria caso se tivesse verificado uma transferência na aceção da Diretiva 2001/23/CE.

3. Se a administração do porto exigir dos prestadores de serviços portuários o cumprimento de determinadas normas sociais no que respeita à prestação dos serviços em causa, os documentos relativos aos concursos e os contratos de serviços

portuários devem incluir a lista dos membros do pessoal em causa e informações transparentes relativas aos seus direitos contratuais e às condições nas quais são considerados vinculados aos serviços portuários.

Artigo 11.º
Isenção

O presente capítulo e as disposições transitórias do artigo 24.º não são aplicáveis aos serviços de movimentação de carga e aos serviços de passageiros.

CAPÍTULO III – Transparência financeira e autonomia

Artigo 12.º
Transparência das relações financeiras

1. As relações financeiras entre os poderes públicos e a administração de um porto beneficiário de financiamento público devem refletir-se de forma transparente nas contas, a fim de mostrar claramente:

   (a) a atribuição de fundos públicos pelos poderes públicos diretamente à administração do porto;

   (b) a atribuição de fundos públicos pelos poderes públicos por intermédio de empresas públicas ou instituições financeiras públicas;

   (c) a utilização para a qual os fundos públicos foram atribuídos.

2. Se prestar ela própria serviços portuários, a administração de um porto beneficiário de financiamento público deve manter as contas de cada serviço portuário separadas das contas das suas outras atividades, de modo que:

   (a) todos os custos e receitas sejam corretamente afetados ou imputados, com base em princípios de contabilidade analítica fundamentados objectivamente e aplicados com coerência;

   (b) os princípios de contabilidade analítica com base nos quais são elaboradas as contas distintas estejam claramente estabelecidos.

3. Os fundos públicos a que se refere o n.º 1 incluem capital acionista ou quase-capital, subvenções a fundo perdido, subvenções reembolsáveis em determinadas condições, empréstimos, incluindo empréstimos a descoberto e adiantamentos sobre entradas de capital, garantias concedidas à administração do porto pelos poderes públicos, dividendos pagos e lucros não distribuídos ou qualquer outra forma de apoio financeiro público.

4. A administração do porto deve conservar as informações relativas às relações financeiras a que se referem os n.os 1 e 2 ao dispor da Comissão e do órgão independente de supervisão competente a que se refere o artigo 17.º por um período de cinco anos a contar do termo do exercício fiscal a que as informações respeitam.

5. A administração do porto deve facultar à Comissão e ao órgão independente de supervisão competente, contra pedido, as informações complementares que estes considerem necessárias para apreciarem com total conhecimento os dados comunicados e avaliarem o cumprimento do presente regulamento. As informações devem ser transmitidas no prazo de dois meses a contar da data do pedido.

6. As administrações de portos que não tenham recebido fundos públicos nos exercícios contabilísticos anteriores, mas que comecem a beneficiar de tais fundos, devem aplicar os n.os 1 e 2 a partir do exercício contabilístico seguinte à transferência dos fundos públicos.

7. Se forem atribuídos a título de compensação por uma obrigação de serviço público, os fundos públicos devem ser apresentados separadamente nas contas correspondentes e não podem ser transferidos para nenhum outro serviço ou atividade comercial.

Artigo 13.º

Taxas dos serviços portuários

1. As taxas dos serviços prestados por um operador interno na aceção do artigo 9.º e as taxas cobradas pelos prestadores de serviços portuários, em caso de limitação do número de prestadores não designados por meio de procedimentos abertos, transparentes e não-discriminatórios, devem ser fixadas com transparência e sem discriminações. As taxas devem refletir as condições existentes num mercado concorrencial relevante e não ser desproporcionadas em relação ao valor económico do serviço prestado.

2. O pagamento das taxas dos serviços portuários pode ser integrado noutros pagamentos, designadamente no das taxas de utilização das infraestruturas portuárias. Nesse caso, o prestador do serviço portuário e, se for o caso, a administração do porto devem certificar-se de que o montante da taxa do serviço portuário é facilmente identificável pelo utente.

3. O prestador de serviços portuários deve facultar ao órgão independente de supervisão competente a que se refere o artigo 17.º, contra pedido, informações sobre os elementos que servem de base à determinação da estrutura e do nível das taxas dos serviços portuários a que o n.º 1 é aplicável. Essas informações incluem a metodologia utilizada para fixar as taxas correspondentes às instalações e serviços em causa.

Artigo 14.º

Taxas de utilização das infraestruturas portuárias

1. A administração do porto deve cobrar taxas pela utilização de infraestruturas portuárias. Este facto não impede os prestadores de serviços portuários que utilizam essas infraestruturas de cobrarem taxas pelos serviços portuários.

2. O pagamento das taxas de utilização das infraestruturas portuárias pode ser integrado noutros pagamentos, designadamente no das taxas dos serviços portuários. Nesse caso, a administração do porto deve certificar-se de que o montante da taxa de utilização das infraestruturas é facilmente identificável pelo utilizador.

3. A fim de contribuir para um sistema eficiente de tarifação das infraestruturas, a estrutura e o nível das taxas de utilização das infraestruturas portuárias devem ser definidos autonomamente pela administração do porto, de acordo com a sua própria estratégia comercial e o seu plano de investimento, de modo a refletirem as condições de concorrência no mercado relevante e em conformidade com as regras aplicáveis aos auxílios estatais.

4. Sem prejuízo do n.º 3, as taxas de utilização das infraestruturas portuárias podem ser diferenciadas em função das práticas comerciais relacionadas com a frequência de utilização do porto, ou com vista a promover a utilização mais eficiente das infraestruturas, o transporte marítimo de curta distância ou um nível elevado de desempenho ambiental ou de eficiência nas operações de transporte, em termos do consumo de energia e das emissões de dióxido de carbono. Os critérios utilizados para estabelecer a diferenciação devem ser adequados, objetivos, transparentes e não-discriminatórios, e aplicados no devido respeito pelas regras de concorrência. Em especial, essa diferenciação deve estar disponível em igualdade de condições para todos os utentes de serviços portuários.

5. A Comissão fica habilitada a adotar atos delegados, se necessário, em conformidade com o procedimento estabelecido no artigo 21.º, no que respeita à classificação comum dos navios, dos combustíveis e dos tipos de operação, para efeitos da diferenciação das taxas de utilização das infraestruturas, e aos princípios comuns de tarifação da utilização das infraestruturas portuárias.

6. A administração do porto deve informar os utentes do porto e os seus representantes ou associações a respeito da estrutura das taxas de utilização das infraestruturas portuárias e dos critérios utilizados para determinar o seu montante, incluindo os custos e receitas totais que servem de base à determinação da estrutura e do nível das taxas. Deve também informar os utilizadores das infraestruturas portuárias, com três meses de antecedência, pelo menos, das alterações à estrutura ou montante das taxas ou aos critérios utilizados para as determinar.

7. A administração do porto deve facultar ao órgão independente de supervisão competente e à Comissão, contra pedido, as informações referidas no n.º 4 e dados pormenorizados sobre os custos e as receitas que servem de base à determinação da estrutura e do nível das taxas de utilização das infraestruturas portuárias, bem como a metodologia utilizada para fixar as taxas correspondentes às instalações e serviços em causa.

CAPÍTULO IV – Disposições gerais e finais

Artigo 15.º

Consulta dos utentes do porto

1. A administração do porto deve instituir um comité de representantes dos operadores de navios, donos de carga e outros utentes do porto a que são cobradas taxas pela utilização das infraestruturas portuárias ou pelos serviços portuários, ou por ambos. Este comité será denominado «comité consultivo dos utentes».

2. A administração do porto deve consultar anualmente o comité consultivo dos utentes sobre a estrutura e o nível das taxas de utilização das infraestruturas portuárias, previamente à sua fixação. Os prestadores de serviços portuários a que se referem os artigos 6.º e 9.º devem também consultar anualmente o comité consultivo dos utentes do porto sobre a estrutura e o nível das taxas dos serviços portuários, previamente à sua fixação. A administração do porto deve fornecer os meios adequados para essa consulta e ser informada dos resultados da consulta pelos prestadores de serviços portuários.

Artigo 16.º

Consulta de outras partes interessadas

1. A administração do porto deve consultar regularmente as partes interessadas, como as empresas estabelecidas no porto, os prestadores de serviços portuários, os operadores de navios, os donos de carga, os operadores de transportes terrestres e as administrações públicas que exercem atividades na zona portuária:

   (a) a correta coordenação dos serviços portuários na zona do porto;

   (b) as medidas para melhorar as ligações ao interior e, se for o caso, para desenvolver as ligações ferroviárias e fluviais e melhorar a sua eficiência;

   (c) a eficácia dos procedimentos administrativos no porto e, se o for caso, as medidas para os simplificar.

Artigo 17.º

Órgão independente de supervisão

1. Os Estados-Membros devem assegurar que um órgão independente de supervisão acompanha e fiscaliza a aplicação do presente regulamento em todos os portos marítimos do seu território por este abrangidos.

2. O órgão independente de supervisão deve ser juridicamente distinto e funcionalmente independente da administração do porto e dos prestadores de serviços portuários. Os Estados-Membros que conservem a propriedade ou o controlo dos portos ou das suas administrações devem assegurar a separação estrutural efetiva entre as funções de fiscalização e acompanhamento da aplicação do presente regulamento e as atividades associadas a essa propriedade ou controlo. O órgão independente de supervisão deve exercer as suas competências com imparcialidade e transparência e com o devido respeito pela livre condução das atividades comerciais.

3. O órgão independente de supervisão deve tratar as reclamações apresentadas por qualquer parte com interesse legítimo, bem como os litígios relacionados com a aplicação do presente regulamento que lhe sejam submetidos.

4. Caso o litígio envolva partes estabelecidas em Estados-Membros distintos, é competente para o dirimir o órgão independente de supervisão do Estado-Membro em que se localiza o porto onde se presume ter origem o litígio.

5. O órgão independente de supervisão tem o direito de requerer à administração do porto, aos prestadores de serviços portuários e aos utentes do porto que lhe prestem as informações necessárias para assegurar o acompanhamento e a fiscalização da aplicação do presente regulamento.

6. O órgão independente de supervisão pode emitir pareceres, a pedido de uma autoridade competente do Estado-Membro, sobre quaisquer questões relacionadas com a aplicação do presente regulamento.

7. O órgão independente de supervisão pode consultar o comité consultivo dos utentes do porto para efeitos do tratamento das reclamações ou dos litígios.

8. As decisões do órgão independente de supervisão são vinculativas, sem prejuízo da possibilidade de recurso judicial.

9. Os Estados-Membros devem comunicar à Comissão, até 1 de julho de 2015, a identidade dos órgãos independentes de supervisão e qualquer eventual alteração posterior. A Comissão publica e atualiza a lista dos órgãos independentes de supervisão no seu sítio *web*.

Artigo 18.º

Cooperação entre os órgãos independentes de supervisão

1. Os órgãos independentes de supervisão devem trocar informações sobre o seu trabalho e os seus princípios e práticas decisórias, a fim de facilitar a aplicação uniforme do presente regulamento. Para o efeito, participarão e colaborarão numa rede que se reunirá periodicamente, pelo menos uma vez por ano. A Comissão participa, coordena e apoia o trabalho da rede.

2. Os órgãos independentes de supervisão devem cooperar estreitamente com vista a assistirem-se mutuamente no exercício das suas funções, nomeadamente nas investigações necessárias para resolver reclamações e litígios que envolvam portos de Estados-Membros distintos. Para o efeito, cada órgão independente de supervisão deve facultar aos outros órgãos de supervisão interessados, contra pedido fundamentado, as informações necessárias para que estes possam exercer as responsabilidades que lhes incumbem ao abrigo do presente regulamento.

3. Os Estados-Membros devem assegurar que os órgãos independentes de supervisão prestam à Comissão, contra pedido fundamentado, as informações necessárias para que esta possa desempenhar as suas funções. As informações solicitadas pela Comissão devem proporcionais ao desempenho dessas funções.

4. Se o órgão independente de supervisão considerar que as informações são confidenciais, de acordo com as regras da União ou nacionais em matéria de sigilo comercial, o outro órgão independente de supervisão e a Comissão devem garantir essa confidencialidade. As referidas informações só podem ser utilizadas para o fim para que foram pedidas.

5. Com base na experiência dos órgãos independentes de supervisão e nas atividades da rede referida no n.º 1, e a fim de assegurar uma cooperação eficiente, a Comissão pode adotar princípios comuns a respeito dos mecanismos adequados para o intercâmbio de informações entre os ditos órgãos. Esses atos de execução são adotados pelo procedimento de exame a que se refere o artigo 22.º, n.º 2.

Artigo 19.º

Recursos

1. Qualquer parte com interesse legítimo tem o direito de recorrer de decisões ou medidas individuais, tomadas ao abrigo do presente regulamento pelas autoridades competentes, a administração do porto ou o órgão independente de supervisão, para uma instância de recurso independente das partes envolvidas. A instância de recurso pode ser um tribunal.

2. Se não tiver natureza judicial, a instância de recurso referida no n.º 1 deve fundamentar sempre por escrito as suas decisões. As decisões devem poder ser submetidas à apreciação de um tribunal nacional.

Artigo 20.º
Sanções

Os Estados-Membros devem estabelecer o regime de sanções aplicáveis às infrações ao presente regulamento e tomar todas as medidas necessárias para garantir a sua aplicação. As sanções previstas devem ser eficazes, proporcionadas e dissuasoras. Os Estados-Membros devem notificar a Comissão dessas disposições até 1 de Julho de 2015, bem como, sem demora, de quaisquer alterações posteriores que lhes digam respeito.

Artigo 21.º
Exercício da delegação

1. O poder de adotar atos delegados é conferido à Comissão nas condições estabelecidas no presente artigo.
2. O poder de adotar atos delegados previsto no artigo 14.º é conferido à Comissão por um período indeterminado.
3. A delegação de poderes prevista no artigo 14.º pode ser revogada em qualquer momento pelo Parlamento Europeu ou pelo Conselho. A decisão de revogação põe termo à delegação dos poderes nela especificados. A decisão de revogação produz efeitos no dia seguinte ao da sua publicação no *Jornal Oficial da União Europeia* ou de uma data posterior, nela especificada. A decisão de revogação não afeta os atos delegados já em vigor.
4. Assim que adotar um ato delegado, a Comissão notifica-o simultaneamente ao Parlamento Europeu e ao Conselho.
5. Os atos delegados adotados ao abrigo do artigo 14.º só entram em vigor se nem o Parlamento Europeu nem o Conselho formularem objeções no prazo de dois meses a contar da data em que o ato lhes foi notificado, ou se, antes do termo desse prazo, o Parlamento Europeu e o Conselho informarem a Comissão de que não formularão objeções. O referido prazo pode ser prorrogado por dois meses, por iniciativa do Parlamento Europeu ou do Conselho.

Artigo 22.º
Comitologia

1. A Comissão é assistida por um comité na aceção do Regulamento (UE) n.º 182/2011.
2. Sempre que se faça referência ao presente número, é aplicável o artigo 5.° do Regulamento (UE) n.° 182/2011.

Artigo 23.º
Relatório

O mais tardar três anos após a entrada em vigor do presente regulamento, a Comissão apresenta ao Parlamento Europeu e ao Conselho um relatório sobre o funcionamento e os efeitos do presente regulamento, acompanhado, se for caso disso, das propostas necessárias.

Artigo 24.º

Medidas transitórias

1. Os contratos de serviços portuários celebrados antes de [data de adoção do Regulamento], e que tenham sido adjudicados a prestadores de serviços portuários selecionados por meio de um procedimento aberto, transparente e não-discriminatório ou que satisfaçam as regras do presente regulamento, continuam em vigor até caducarem.

2. Os contratos de serviços portuários celebrados antes de [data de adoção do regulamento], e que não satisfaçam as condições estabelecidas no n.º 1, continuam em vigor até caducarem, mas não após 1 de julho de 2025.

Artigo 25.º

Entrada em vigor

O presente regulamento entra em vigor no vigésimo dia seguinte ao da sua publicação no *Jornal Oficial da União Europeia*.

O presente regulamento é aplicável a partir de 1 de Julho de 2015.

O presente regulamento é obrigatório em todos os seus elementos e diretamente aplicável em todos os Estados-Membros.

Feito em Bruxelas, em

Pelo Parlamento Europeu	*Pelo Conselho*
O Presidente	*O Presidente*

COMISSÃO EUROPEIA

SECRETARIADO-GERAL

Bruxelas, 4.6.2013
SG-Greffe(2013) D/ 8241

Assembleia da República
Palácio de S. Bento
P-1249-068 Lisboa

Transmissão nos termos do Protocolo (n.º 2) do Tratado da União Europeia e do Tratado sobre o Funcionamento da União Europeia relativo à aplicação dos princípios da subsidiariedade e da proporcionalidade

Assunto: COM(2013) 296 final, 23.5.2013

A Comissão informa que todas as versões linguísticas do projecto de acto legislativo mencionado em epígrafe foram transmitidas aos parlamentos nacionais e às câmaras dos parlamentos nacionais dos Estados-Membros.

A presente carta dá início ao procedimento previsto no Protocolo (n.º 2) relativo à aplicação dos princípios da subsidiariedade e da proporcionalidade.

No prazo de oito semanas[1] a contar da data da presente carta, pode ser dirigido aos Presidentes do Parlamento Europeu, do Conselho e da Comissão um parecer fundamentado expondo as razões pelas quais consideram que o projecto em questão não obedece ao princípio da subsidiariedade.

Pela Secretária-Geral,

Jordi AYET PUIGARNAU
Director

1 O período compreendido entre 1 e 31 de Agosto não é incluído no cálculo do período de oito semanas.

EUROPEAN
COMMISSION

Brussels, 23.5.2013
SWD(2013) 181

Volume 2

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council

establishing a framework on the market access to port services and the financial transparency of ports

{COM(2013) 296}
{SWD(2013) 182}
{SWD(2013) 183}

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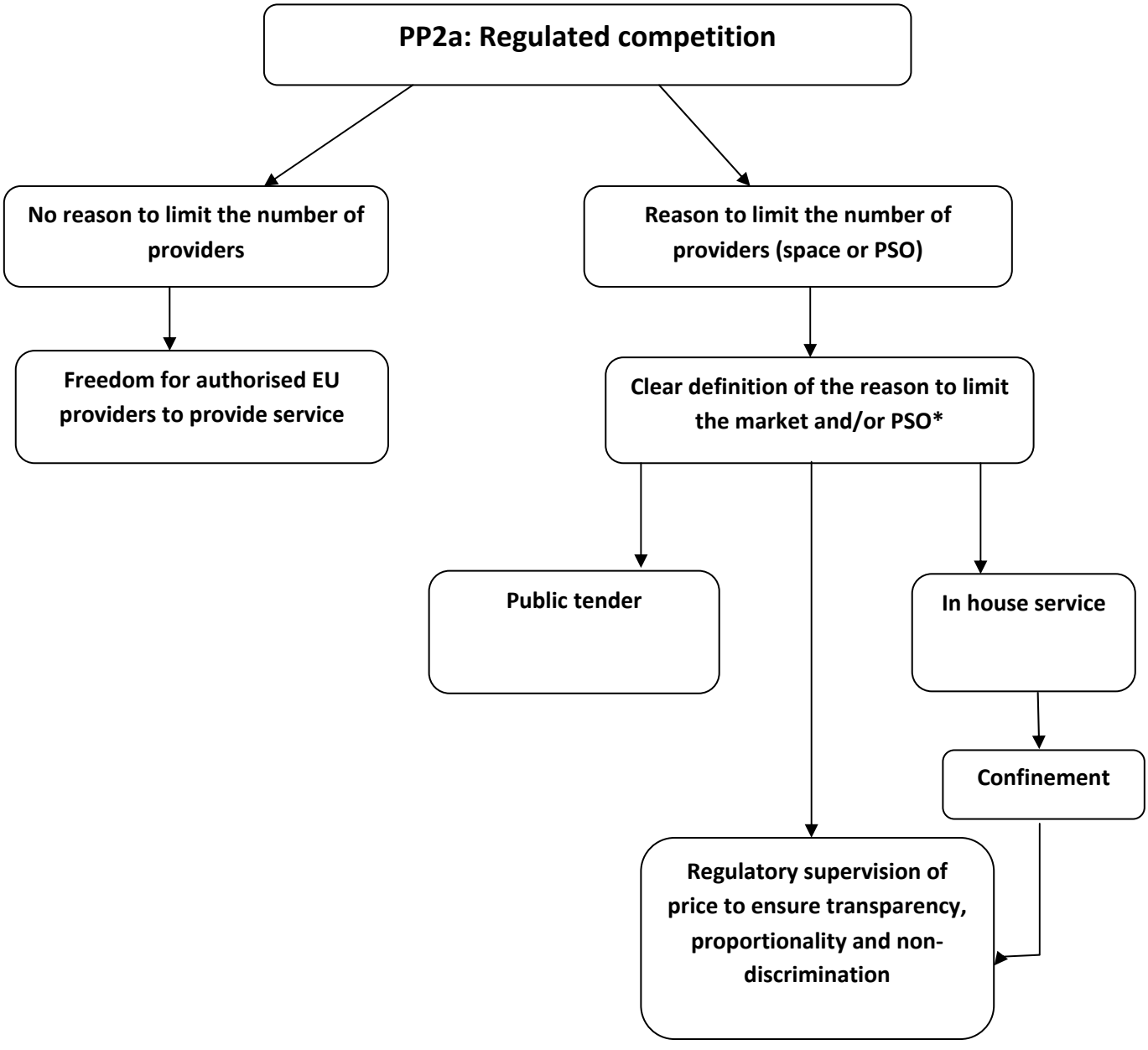


* Public Service Obligation

ANNEX II:

General context: Features of the EU Ports system

EU – Ports – ITMMA Antwerp University – the EU Port System

"*To accommodate maritime extra-EU and intra-EU trade flows, Europe is blessed with a long coastline reaching from the Baltic all the way to the Med and the Black Sea.*

The European port system cannot be considered as a homogenous set of ports. It features established large ports as well as a whole series of medium-sized to smaller ports each with specific characteristics in terms of hinterland markets served, commodities handled and location qualities.

This unique blend of different port types and sizes combined with a vast economic hinterland shapes port competition in the region".

1. Statistics

Eurostat produces extensive port statistics based on data collected within the framework of the EU maritime transport statistics Directive (Directive 2009/42/EC) on statistical returns in respect of carriage of goods and passengers by sea.

EU-27 aggregates refer to the total of 22 maritime Member States. The Czech Republic, Luxembourg, Hungary, Austria and Slovakia have no maritime ports. "Main ports" are ports handling more than 1 million tonnes of goods annually (however, data for some smaller ports may be included in the published results). Data are presented at level of "statistical ports". A statistical port consists of one or more ports, normally controlled by a single port authority, able to record ship and cargo movements. The table below provides an overview of some main indicators (source: Eurostat):

Reporting country	2008 Q4	2009 Q4	2010 Q4	2011 Q1	2011 Q2	2011 Q3	2011 Q4			
	Gross weight of goods (in Mio tonnes)						Gross weight of goods (in Mio tonnes)	Growth rate on previous quarter	Growth rate on same quarter of previous year	Annual growth rate
Total	**911.2**	**844.8**	**901.7**	**879.2**	**915.5**	**904.7**	**893.8**	**-1.2%**	**-0.9%**	**+1.5%**
BELGIUM (BE)	57.4	52.4	58.5	59.4	59.8	56.7	**55.1**	**-2.8%**	**-5.8%**	**+2.0%**
BULGARIA (BG)	6.4	6.1	6.1	5.6	6.1	7.0	**6.6**	**-6.8%**	**+6.6%**	**+9.8%**
DENMARK (DK)	23.0	20.4	21.0	21.5	22.2	20.6	**19.5**	**-5.3%**	**-7.0%**	**+6.5%**
GERMANY (DE)	76.2	65.3	69.7	68.4	72.6	73.8	**73.9**	**+0.2%**	**+6.1%**	**+7.5%**
ESTONIA (EE)	8.1	9.1	11.4	11.3	12.7	10.6	**11.2**	**+6.0%**	**-1.6%**	**+4.7%**
IRELAND (IE)	11.6	10.9	11.4	11.1	11.1	10.5	**11.6**	**+10.5%**	**+1.2%**	**+0.6%**
GREECE (EL)	30.5	25.5	25.8	25.7	26.5	29.8	**28.2**	**-5.5%**	**+9.2%**	**+8.8%**
SPAIN (ES)	96.8	93.4	101.4	94.5	100.6	102.9	**105.8**	**+2.8%**	**+4.4%**	**+7.3%**
FRANCE (FR)	86.8	77.0	75.5	77.7	79.4	74.4	**77.8**	**+4.6%**	**+3.0%**	**+0.3%**
ITALY (IT)	114.0	104.5	109.5	124.4	128.5	122.4	**112.2**	**-8.4%**	**+2.5%**	**+1.1%**
CYPRUS (CY)	1.8	1.6	1.9	1.7	1.7	1.6	**1.6**	**-1.6%**	**-15.1%**	**-5.6%**
LATVIA (LV)	15.5	14.0	14.7	15.5	17.4	15.8	**16.9**	**+7.2%**	**+14.8%**	**+14.6%**
LITHUANIA (LT)	8.4	9.2	10.6	10.4	10.8	10.8	**10.7**	**-1.3%**	**+0.5%**	**+12.7%**
MALTA (MT)	0.8	0.8	0.9	0.8	0.8	0.9	**0.8**	**-15.9%**	**-11.9%**	**-12.5%**
NETHERLANDS (NL)	124.9	126.5	137.1	118.2	123.3	128.5	**120.8**	**-6.0%**	**-11.9%**	**-8.7%**
POLAND (PL)	11.1	12.3	15.4	15.0	14.3	13.2	**14.6**	**+10.7%**	**-4.7%**	**-3.3%**
PORTUGAL (PT)	14.8	15.2	16.2	15.3	16.5	17.4	**16.5**	**-5.3%**	**+1.4%**	**+2.7%**
ROMANIA (RO)	11.9	8.7	9.9	8.1	9.2	10.1	**10.1**	**-0.6%**	**+1.8%**	**+2.6%**
SLOVENIA (SI)	4.2	3.6	4.2	3.8	4.1	4.1	**4.2**	**+2.5%**	**+1.0%**	**+11.0%**
FINLAND (FI)	27.7	24.6	28.9	24.2	28.4	28.4	**28.3**	**-0.4%**	**-2.0%**	**+4.6%**
SWEDEN (SE)	42.6	39.6	42.9	41.2	41.6	38.0	**41.1**	**+8.1%**	**-4.2%**	**-2.0%**
UNITED KINGDOM (UK)	136.6	124.2	128.8	125.5	128.0	127.0	**126.5**	**-0.4%**	**-1.8%**	**+1.7%**
NORWAY (NO)	42.2	42.4	44.0	41.7	44.7	47.6	**46.1**	**-3.1%**	**+4.8%**	**+4.9%**
CROATIA (HR)	6.2	5.1	5.2	4.3	4.2	4.8	**3.8**	**-21.7%**	**-27.4%**	**-13.0%**
TURKEY (TR)	63.0	76.8	87.2	86.2	92.4	90.4	**90.0**	**-0.5%**	**+3.2%**	**+6.2%**

Seaports handle, in volume, 74% of the goods exported or imported to the EU and from the rest of the world. The table below gives an overview of the relative importance of seaports in comparison to the other transport modes in terms of external trade.

EU -27 External Trade by Mode of Transport 2010 – Weight (million tonnes) (source: Eurostat)

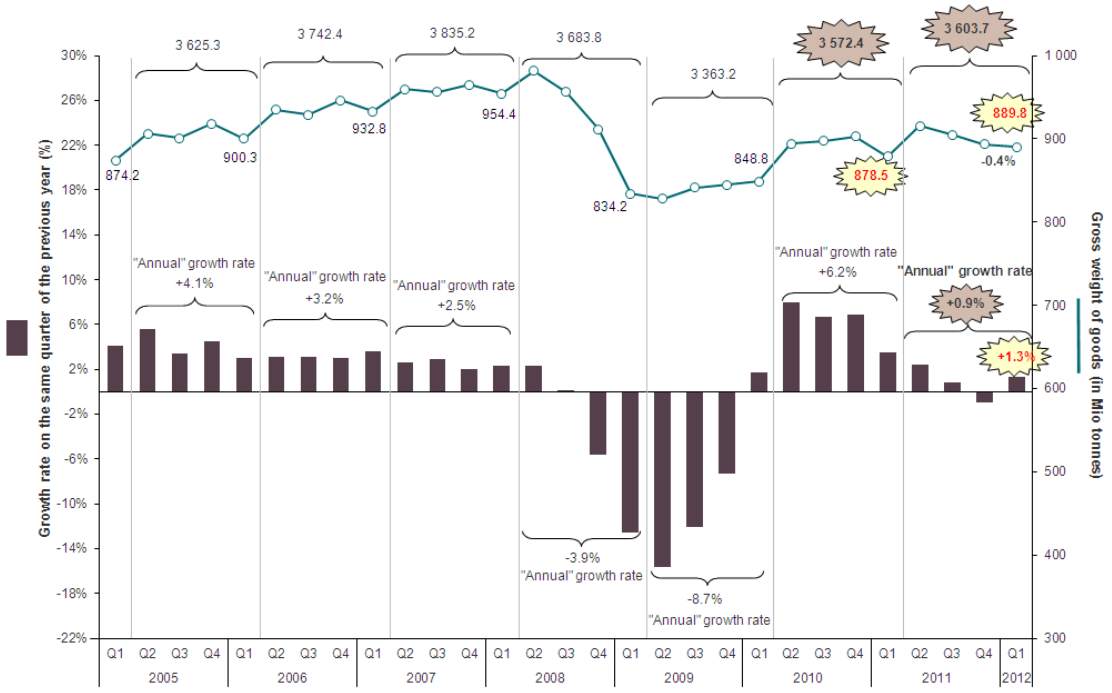
	Export		Import		Export + Import	
Sea	424.8	77.0%	1202.2	73.8%	**1627.0**	**74.6%**
Road	79.8	14.5%	58.0	3.6%	**137.7**	**6.3%**
Rail	19.8	3.6%	64.1	3.9%	**83.9**	**3.8%**
Inland Waterway	9.6	1.7%	12.1	0.7%	**21.7**	**1.0%**
Pipeline	3.7	0.7%	240.3	14.8%	**244.0**	**11.2%**
Air	10.2	1.9%	3.9	0.2%	**14.1**	**0.6%**
Self Propulsion	1.3	0.2%	1.5	0.1%	**2.8**	**0.1%**
Post	0.0	0.0%	0.0	0.0%	**0.0**	**0.0%**
Unknown	2.6	0.5%	46.2	2.8%	**48.7**	**2.2%**
TOTAL	**551.7**	**100.0%**	**1628.3**	**100.0%**	**2180.0**	**100.0%**

Sea-borne freight trade

In terms of cargo flows in the European seaport system, five main markets can be distinguished: the container market, the RoRo market, the market for conventional general cargo, the liquid bulk market and the dry bulk market. Each market has its own dynamics: the routing of different types of maritime freight through European ports to the hinterland is guided by complex interactions between a large set of factors and actors. However, there are two underlying common factors to all ports and types of trade that influence the routing to the hinterland: the connectivity of the port to the hinterland and the level of performance of the port itself.

The following graph[1] summarizes sea-borne trade trends in the EU since 2005:

[1] Source: Statistics Explained article "Maritime transport of goods - quarterly data" updated with figures for 2012 Q1:



The number of ports active in Ro-Ro, general cargo, liquid bulk and or dry bulk handling is in excess of 300. There are about 130 seaports handling containers of which around 40 accommodate intercontinental container services. The normalized HH-index for the European container port system is decreasing which means an increasing number of European ports are present on the competitive scene. While the European container port scene becoming more diverse in terms of number of ports involved, a lot of cargo is concentrated in a limited number of ports. Moreover, large differences in growth patterns can be observed among the multi-port gateways regions.

Distribution of cargo flows

For the purpose of examining sea-trade flows, the EU is often divided into 6 maritime regions (North West Continent region, Mediterranean Sea region, Baltic Sea region, UK & Ireland region, Atlantic Ocean region, Black Sea region).

The biggest share in total EU seaborne freight traffic is held by North West Continent region ports (31.7%). The "***Le Havre-Hamburg***" range remains volume-wise a strong port range in Europe. However, its market share in total European volumes differs depending on the market segment considered:

- 48.4% or 40.3 million TEU in the container business
- 26.8% or 269 million tons for dry bulk
- 24.6% or 391 million tons for liquid bulk
- 19.5% or 62 million tons for conventional general cargo
- 18.3% or 82 million tons for Ro-Ro

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http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Maritime_transport_of_goods_-_quarterly_data.

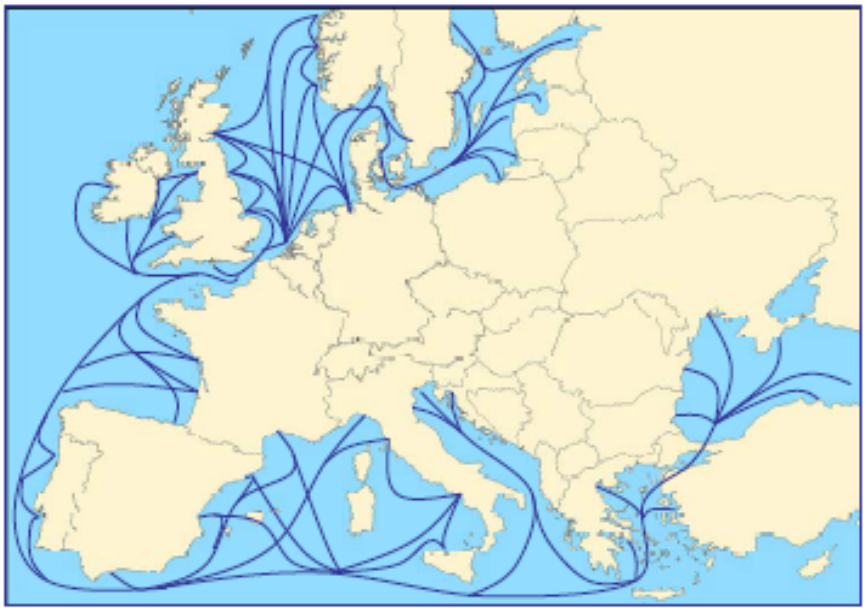
The second biggest region is the Mediterranean Sea region (only EU ports) with a share of 28.2%. Baltic Sea ports (excluding Russian ports) account for 17.3% of the total throughput in EU ports, followed by UK & Irish ports (15.3%). The smallest share is held by EU ports along the Atlantic Ocean coast (5.9%) and EU ports along the Black Sea coast (1.7%).

The group of seaports included into the TEN-T core network handle approximately 70% of the cargo passing through all EU seaports. The greatest number of core seaports (24) is concentrated within the Mediterranean Sea region. These seaports account for 58.4% of the throughput of all seaports within the EU Mediterranean Sea region.

Half of those ports are located along the coastline of Italy. This can be explained by taking into consideration the fact that Italian seaports handle the greatest volume of cargo within the Mediterranean Sea region (494.1 million tonnes) which accounts for about 48.3% of the total seaports' turnover in the region.

Additionally, Italy has the largest number of seaports that handle at least 1 million tonnes of cargo. Spain has also a large number of core seaports along its Mediterranean coast (7). The rest of the core seaports are located in Greece (4), France (1) and Slovenia (1). The figures below provide an overview of the main ports connections (the main intra-EU sea borne trade):

Ports connections - Main intra-EU sea-borne trade

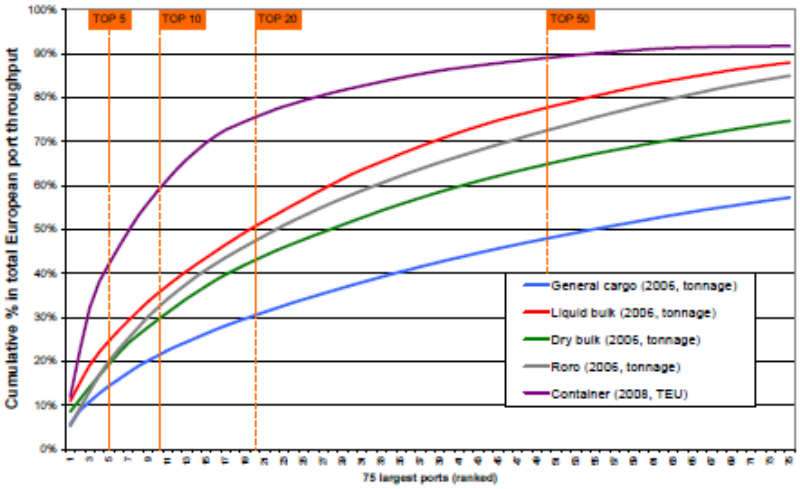


Source: Buck Consultants International

The following figure compares the five cargo handling segments on the basis of a cumulative market share curve for the 50 largest ports in each of the segments. It can be observed that the concentration is the lowest in the conventional general cargo segment and the highest in the container market.

Cumulative market share of the top 75 ports in each cargo segment

(Source: ITMMA Universiteit Antwerpen and ESPO (2009)



Passenger in EU ports

Eurostat statistics shows that ports in the EU-27 handled almost 400 million maritime passengers (ferry crossings and cruise-ships) in 2010; this marked the third successive annual decline in passenger numbers, decreased 2.0 % in comparison with 2009, after falls of 2.2 % in 2009 and 0.3 % in 2008.

Italian and Greek ports each handled more than twice as many passengers in 2010 than in any other Member State (accounting for 22.2 % and 21.2 % of the EU-27 total respectively). The next busiest ports in terms of passenger numbers were in Denmark (42 million passengers), followed by ports in Sweden, the United Kingdom, Germany and France which each handled between 27 million and 30 million passengers in 2010; ports in Croatia handled 25 million passengers.

Relative to national population, the importance of maritime passenger transport was particularly high in Malta (19.5 passengers per inhabitant), followed by Denmark (7.6), Greece (7.4) and Estonia (7.1); other than Finland, Sweden and Italy, the number of maritime passengers per inhabitant in 2010 averaged less than 1.0 in each of the remaining EU Member States. The table below provides an overview of the main passenger data (source: Eurostat):

	Air passengers, 2011 (2)		Maritime passengers, 2010 (3)	
	(1 000)	(passengers per inhabitant)	(1 000)	(passengers per inhabitant)
EU-27	776 852	1.6	395 595	0.8
Belgium	25 099	2.3	829	0.1
Bulgaria	6 652	0.9	1	0.0
Czech Republic	12 242	1.2	:	:
Denmark	25 805	4.6	41 993	7.6
Germany	175 316	2.1	28 780	0.4
Estonia	1 908	1.4	9 512	7.1
Ireland	22 886	5.1	3 089	0.7
Greece	32 132	2.8	83 993	7.4
Spain	165 153	3.6	21 215	0.5
France	122 887	1.9	27 218	0.4
Italy	116 315	1.9	87 658	1.5
Cyprus	7 237	8.6	107	0.1
Latvia	5 096	2.5	676	0.3
Lithuania	2 692	0.8	251	0.1
Luxembourg	1 837	3.6	:	:
Hungary	8 885	0.9	:	:
Malta	3 507	8.4	8 063	19.5
Netherlands	53 895	3.2	1 994	0.1
Austria	25 138	3.0	:	:
Poland	20 549	0.5	2 601	0.1
Portugal	27 578	2.6	701	0.1
Romania	9 687	0.5	0	0.0
Slovenia	1 359	0.7	39	0.0
Slovakia	1 808	0.3	:	:
Finland	16 374	3.0	17 867	3.3
Sweden	29 732	3.2	30 185	3.2
United Kingdom	201 535	3.2	28 824	0.5
Iceland	2 463	7.7	:	:
Norway	32 402	6.6	5 876	1.2
Switzerland	41 440	5.3	:	:
Croatia	4 989	1.1	25 124	5.7
Turkey	:	:	1 386	0.0

(1) For air: aggregates exclude the double-counting impact of passengers flying between countries belonging to the same aggregate; for maritime: figures refer to the number of passengers 'handled in ports' (the sum of passengers embarked and then disembarked in ports); if both the port of embarkation and disembarkation report data to Eurostat, then these passengers are counted twice.
(2) Total passengers carried (arrivals and departures for national and international); EU-27, Czech Republic, Greece and France, 2010.
(3) Turkey, 2009.
Source: Eurostat (online data codes: ttr00012, tps00001 and mar_pa_aa)

2. Functioning of the port: a chain of services

A port is generally regarded as a gateway through which goods and passengers are transferred between ships and the shore[2]. Different activities take place in a port such as ship arrivals and mooring, (un)loading on docks and transit warehousing. While the port as a whole can be seen as a link in a global logistics chain, the port product is itself a chain of consecutive links[3]. According to a commonly accepted presentation[4], the functioning of a port requires the combination of a number of services organised as follows:

(a) ***Provision of general transport infrastructure*** whose planning, construction, maintenance, operation and funding are in most cases the responsibility of local, regional or national authorities. The only notable exception is the UK case where port general infrastructure investments are privately financed on a commercial basis. The general infrastructure includes:

- Maritime transport infrastructure, i.e., maritime access channels, lights, buoys and navigational aids, dikes and quays, etc.
- Ancillary infrastructure equipment, including, inter alia, equipment for ice-breaking, hydrological surveys, dredging and maintenance of the port and port approaches

2 Button, K. Transport Economics. Edward Elgar, Aldershot. (1993).
3 Goss, R. Economic Policies and Seaports: 1. The Economic Functions of Seaports. "Maritime Policy and Management" 17(3): pp.207-219. (1990).
4 See, e.g. International Handbook of Maritime Economics, Cullinane and others (2010)

- Land transport infrastructure, i.e. road, railways and/or waterways infrastructures ensuring the hinterland connection of the port.

(b) ***Provision of port "technical-nautical" services***, including pilotage, towage and mooring: pilotage is a compulsory service required under national and international regulations for ensuring maritime safety conditions. Usually, pilotage fees are fixed by the administration and/or by the corporative body of maritime pilots. Towage and mooring services are commercial services in many ports, i.e. with prices fixed under market conditions.

(c) ***Provision of operational infrastructure and equipment***, i.e. elements required for the operation of specific facilities, such as berths, cranes, generally linked to the provision of cargo handling and/or passenger services: these facilities and equipment are usually provided by terminal operators (see below). Their use is most of the time charged as a part of the service provided to customers (shipping companies, cargo owners, logistic operators).

(d) ***Provision of cargo handling and passenger handling services***: these services involve marshalling services (receipt, storage, assembly and sorting of cargo in preparation for delivery to a ship's berth) and stevedoring services (loading and unloading of cargo from ships). Each type of cargo requires specialised equipment and berthing facilities (passenger berths, oil, coal, ore, grain, timber, roll-on/roll-off, containers, chemical and gas, etc.). Cargo-handling services are mainly, but not exclusively, provided in Europe by privately owned terminal operators. For historical reasons, in many EU ports, there is at least one cargo-handling operator owned and/or managed by the national, regional or local authority. Where there is a degree of competitive pressure, prices and quality of cargo-handling services are establish by the market. The competitive pressure is especially present in container services; for other segments, like bulk, the cargo handling is often related to local demand, linked to localised production facilities (steel mills, chemical plants or electricity production).

(e) ***Ancillary (or general) services*** provided in many ports include bunkering, chandlering, ship repair, container maintenance, marine appraisals, insurance claims inspections, banking, etc.

(f) ***Waste reception facilities***: waste reception services are mandatory by virtue of international law and have to be provided under the conditions of Directive 2000/59/EC, which amongst other establish common rules on charging.

Below, a more detailed description is given for some core port services***:***

Cargo handling operations form the core of the raison d'être of ports. The efficiency and effectiveness with which loading and discharging activities take place in a port are important cornerstones for the port competitiveness and its ability to generate wider economic effects in terms of employment and value-added creation. In terms of services, cargo handling involves marshalling services (receipt, storage, assembly and sorting of cargo in preparation for delivery to a ship's berth) and stevedoring services (loading and unloading of cargo from ships).

Pilotage is a service provided by a pilot with local knowledge and skills which enable him to conduct the navigation and manoeuvring of the vessel in and approaching the harbour. Usually, pilotage services are provided by the State itself or by a corporation entrusted with exclusive rights for the provision of the service.

Towage is a service provided by tug boats which move larger ships that either should not or cannot power themselves. Usually, towage companies are private companies that operate in the port by means of an authorisation of the port authority. In some cases, towage operators are owned by the State.

Mooring is a service provided by specialised boatmen companies securing or confining a vessel in a particular station, as by cables and anchors or by a line or chain run to the wharf.

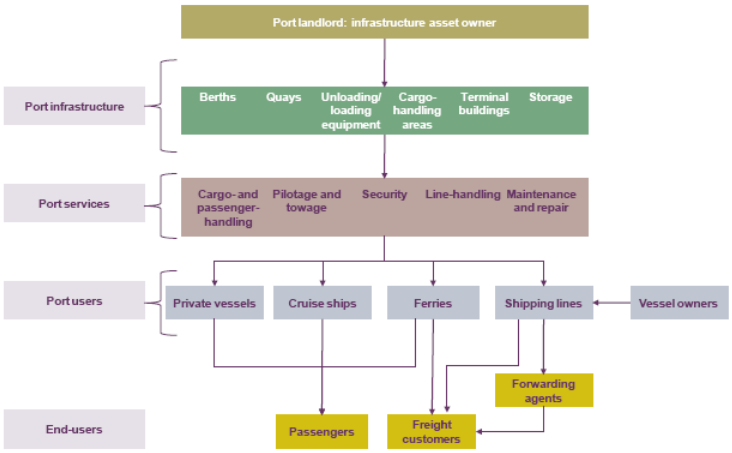
Dredging involves collecting and bringing up, fishing up or clearing away or out material and / or any object from the bed of a river, sea, etc.; transporting it to the relocation site and unloading the material or object. The purpose for dredging can be maintenance of the depth or the deepening of navigation accesses or channels; it can also be land reclamation, coastal protection, seabed stabilisation for the offshore energy installations or the removal of contaminated sediments

Waste reception services: in the EU, the provision of ship waste reception facilities in ports is an obligation stemming from Directive 2000/59/EC; waste reception facilities can be operated as a commercial service or as a public service provided by the port

Passenger services: services provided in passenger terminals in ports, of particular importance for ferry crossings (islands' traffic, Channel and straits crossings, North and Baltic Sea inter-city connections)

Other Ancillary (or general) services provided in many ports include bunkering, chandlering, ship repair, container maintenance, marine appraisals, insurance claims inspections, banking, etc.

The figure[5] below provides an overview of the maritime value chain:



3. Competition issues in ports

The following forms of competitive pressures can be distinguished:

a) Inter-port competition: The degree of substitutability between ports, able to serve the same hinterland efficiently, determines the extent of competition between ports. Ports may also compete for transhipment traffic, whereby larger ocean-going vessels use a port hub to transfer cargo to smaller feeder vessels: in such a circumstance the relevant geographic market is likely to be wider than in the case where ports compete for hinterland traffic only. Rivalry between ports is influenced by the availability of public funds to offset losses,

[5] Source Oxera (taken from the ECD (2011) Report "Competition in Ports and Port Services"

blurring the role of commercial forces. The issue is of particular relevance for trades involving containers. The choice of a major container shipping company or of a major terminal operator for a particular port as its base for operation has huge economic implications for the port and the port region in question. In the EU, "fair competition" (or the lack of it) between ports serving the same hinterlands (North Sea range) and between ports with similar features to serve as "transhipment" points (Mediterranean Sea) has been an issue of debate for many years.

b) Intra-port competition: This concerns competition between operators established in the same port, or in close vicinity, offering the same service to the ports' customer. Often, it is up to the port authority to establish a level playing field for all competitors. In terms of economic importance, the issue of intra-port competition is particularly relevant for terminal operator companies providing cargo-handling and other cargo-related added value services. In the case of container terminals, many ports have more than one terminal operator, but even in those ports that do not, the terminal operators compete fiercely with rivals in neighbouring ports for the same hinterland. For cargo handling and terminal operators established in ports in the same maritime façade, there may be little difference between intra-port and inter-port competition insofar as they offer similar competing alternatives for worldwide logistic integrator and shipping lines – they battle for the same hinterland.

The table below gives an example of the number of operators in key major ports:

Number of service providers in major European ports[6]

Port	Pilotage	Towage	Mooring	Container	Dry bulk	Liquid bulk
Algeciras	1	1	1	3	2	2
Antwerp	1	1	1	3	11	11
Genoa	1	1	1	6	1	3
Goteborg	1	1	1	1	5	2
Hamburg	1	3	3	12	NA	NA
Le Havre	1	1	1	6	10	8
Rotterdam	1	9	1	35	15	NA
Tallinn	1	3	1/2[7]	2	10	8

c) Competition for entering into the market: Intra-port competition takes place only when there is more than one service provider in the port. Where there are reasons to restrict the number of operators, like the scarcity of land or public service considerations, the market access to the port can be granted by means of concessions, lease contracts, administrative authorisations, licenses and other instruments. The award of such contracts is (usually) a prerogative of port authority and the degree of competition to enter into the market depends on the extent to which the tender is open and transparent.

[6] Based on the market analysis of the sector (DG MOVE 2012).

[7] In the port of Tallinn one mooring service provider is present in one harbour while two others operators provide mooring services in another harbour.

4. Consolidation of the market for handling containers

In Europe, the top five leading operators (HPH, PSA, APM Terminals, Eurogate and DP World) handled an estimated 75% of the total European container throughput in 2008 compared to less than 50% in 1998, illustrating the mature and consolidated nature of this market. The consolidation trend in European container handling leads to some controversy: the industry structure has become sufficiently concentrated to raise a fundamental question about whether market forces are sufficient to prevent the abuse of market power[8].

Cargo-handling of containers: Global Operators – Deep Sea Trade

Since 2002, global container port throughput has more than doubled, whilst the share accounted for by Chinese ports has reached 30%. Almost one in three TEU handled worldwide is handled in a Chinese port today. Meanwhile, on a total TEU basis, global/international terminal operators now account for over 75% of world throughput compared with 58% in 2002. The largest container ship in service in 2002 was just 7,000 TEU whilst today it is in excess of 15,000 TEU with 18,000 TEU ships on the way.

In 2011 the big four global container operators collectively accounted for 26.5% of world container port throughput, slightly down compared to the previous year due to the emergence of other large players, both international and local.

Top 10 global/international terminal operators throughput, 2011

	Operator	Million TEU	% share of world throughput
1	PSA International	47.6	8.1%
2	Hutchison Port Holdings	43.4	7.4%
3	DP World	33.1	5.6%
4	APM Terminals	32.0	5.4%
5	COSCO Group	15.4	2.6%
6	Terminal Invest Limited (TIL)	12.1	2.1%
7	China Shipping Terminal	7.8	1.3%
8	Evergreen	6.9	1.2%
9	Eurogate	6.6	1.1%
10	HHLA	6.4	1.1%

Source: Drewry Maritime Research

Examples of terminal providers operating in core ports across the European Union[9]

Terminal operator	Core ports
HPH	Taranto, Gdynia, Barcelona, Stockholm, Amsterdam, Rotterdam, Felixstowe, London
APTM	Zeebrugge, Aarhus, Le Havre, Bremerhaven, Gioia Tauro, Algeciras, Rotterdam
PSA	Zeebrugge, Antwerp, Genoa, Venice, Sines, Rotterdam

[8] See NOTTEBOOM, T., 2002, Consolidation and contestability in the European container handling industry. Maritime Policy and Management, 29, 257-269

[9] Based on our analysis of terminal providers in core ports across the EU (DG MOVE (2012).

DP World	Antwerp, Le Havre, Constanta, Tarragona, Rotterdam, Southampton
Cosco Pacific	Antwerp, Hamburg, Bremerhaven, Piraeus, Genoa, Naples, Livorno, La Spezia, Ancona, Algeciras, Barcelona, Valencia, Tarragona, Rotterdam
MSC	Antwerp, Aarhus, Le Havre, Bremerhaven, Hamburg, all Italian ports, all Dutch ports
Eurogate	Bremerhaven, Wilhelmshaven, Gioia Tauro, La Spezia, Ravenna, Lisbon

Vertical Integration

Incumbent terminal operators are confronted more often with a strong competition coming from new entrants (railways companies, investment groups, etc.). In particular, container shipping lines have adopted vertical integration strategies in order to increase their terminal capacity in strategic ports. While pure terminal operators manage multi-user facilities, container shipping lines handle vessels in terms of berthing and crane density in view of an efficient synchronization of liner services (e.g. hub-feeder operations) and high schedule reliability. This phenomenon of vertical integration is highly experienced by EU ports as shown by the following examples[10]:

- MSC and CMA CGM, the world's second and third largest container shipping lines, are involved in 15 and 10 container terminals respectively within the EU.
- Maersk Line's parent company, AP Moller-Maersk, operates a large number of container terminals through its subsidiary APM Terminals: "although this Netherlands-headquartered company advertises itself as an independent company within the AP Moller-Maersk Group, with an independent board and operating common user terminals for all container ship lines in Europe, it currently still mainly handles traffic of sister company Maersk Line"[11].
- Other shipping lines with a strong presence in the terminal operator industry include Evergreen, Cosco (directly or via sister company Cosco Pacific), Hanjin, APL, NYK, K-Line, Yang Ming and Hyundai.

Terminal operators usually tend to expand their network of facilities across several TEN-T ports to maximise network's effects, optimise their hub-and-spoke operation and widen their customers' base.

5. Relative cost of port services in the logistic chain

Total port costs can account for a significant fraction of the total costs associated with the logistics chain. In traditional ports, handling general cargo, costs of ports and ports terminal operation may exceed 30% of the total door-to-door logistic costs. Typically, the situation concerns short sea shipping and intra-EU maritime trade exchanges in particular. In moderns' ports for deep-sea containers trades, using capital-intensive cargo-handling equipment and advanced IT systems, the equivalent cost can be reduced to less than 4-5% of the total logistic costs.

[10] See *Notteboom T., Rodrigue J., The Corporate Geography of Global Container Terminal Operators,* "Maritime Policy & Management: The flagship journal of international shipping and port research", v. 39, i. 3, 2012.
[11] Ibidem.

European labour costs typically represent between 40% and 75% of a general cargo terminal's operating costs and, even in the capital-intensive container handling industry, they can be as high as 50% of total operating costs[12].

In many EU ports, terminal operators rely heavily on the so-called "pools" of dock workers for loading/unloading ships and moving cargoes around the port. These pools have been put in place in order to cope with the irregularity of port traffic and the ensuing fluctuations in labour demand. Temporary labour is thus reserved for a steadily available complement ('pool') of registered workers who enjoy unemployment benefit or similar pay when there is no work available. Even if these arrangements take on very different shapes, today, in 16 out of 22 Member States, access to the port labour market is thus subject to sector-specific rules which depart from general labour law.

The total EU port cost to the shipping industry is estimated at around €11-17 billion in 2010 (PWC/NEA). An indicative repartition of the relative weight of the different costs items of the total cost port operation is presented in the following table:

Relative weight of port services costs[13]

	% of total costs, confidence interval	Charging criteria
Port dues (charges for using port general infrastructure)	5%-10%	Historic criteria, not necessarily linked to costs; rebates for attracting vessels in case of low activity are usual practice
Vessel technical services (pilotage, towage, mooring) Of which pilotage	10% - 15% 5% - 6%	Pilotage prices are unilaterally fixed, with supervision by an independent authority in some cases only. Towage and mooring services prices fixed in commercial terms in most cases
Charges for using operational infrastructure ("berthing costs")	5%-15%	Depending on type and size of vessels and nature and volume of cargo; unilateral rebates for attracting vessels and congestion charges in case of tight demand
Cargo handling prices	45%-60%*	Usually fixed under competitive market conditions; concerns of conflict of interests in cases where terminals are owned by major shipping lines
Prices for other port ancillary services	5%-10%	Usually fixed under market conditions
Waste reception fees	1%-5%-	Charges fixed by the Authority, in principle cost-oriented (see Directive)

The table is indicative only since the heterogeneity of ports and cargo-handling operations makes it extremely difficult to present values "valid for all". According to research, the cost of cargo-handling can represent between 70%-80% in some traditional, labour intensive ports.

[12] Source: 'Dock labour and port-related employment in the European seaport system', Prof Theo Notteboom, June 2011.

[13] Source: Haralambides H. (2012) "Ports: Engines of Growth and Employment". There are huge variations in the composition of costs from one port to another. For an academic review on port pricing issues see also Haralambides et al (2001), "Port Financing and Pricing in the EU: Theory, Politics and Reality"

6. Deep sea vs. Short sea shipping

Deep sea shipping refers to the maritime transport of goods on intercontinental routes, crossing oceans; as opposed to short sea shipping over relatively short distances, for instance within the EU.

In the EU, inter-continental sea trade of containers is concentrated in a relatively limited number of major ports, e.g. Rotterdam, Hamburg, Antwerp, Le Havre or Felixstowe. Those ports are equipped with advanced, capital intensive cargo-handling installations, able to serve very large container-ships. Large container ships and huge cargo-handling capacities in ports lead to economies of scale resulting in very low transportation costs per unit.

Short-sea-shipping includes traffic from "hub" ports and also freight exchanges between European maritime regions. For long intra-EU distances, e.g. Iberian Peninsula to the North Sea and Baltic regions, short sea is, in principle, an alternative to land transport solutions. Low cargo volumes, smaller ships and much more frequent port calls have a negative impact on the cost and competitiveness of short sea services.

7. Heterogeneity of ports in the EU

There are various ways of classifying European ports. On a geographical basis, the most common classification is based on the maritime coastlines of the continent (Baltic, North Sea, Atlantic, Mediterranean, and Black Sea) or ranges of neighbouring, competing ports (e.g. Hamburg-Le Havre range). A functional classification[14] distinguishes large gateway ports, hub ports as well as a whole series of medium-sized to smaller ports each with specific characteristics in terms of hinterland markets served, commodities handled and location qualities. In terms of ownership and operational structures, at the one end there is a significant number of ports where the local government both owns the land, the infrastructure and the equipment, and runs the entire operation of all the services provided in the port. At the other end of the spectrum there are a number of ports with a private landlord owner and a number of private interests that provide the services, some of them in competition with each other. The table below provides an overview of the ownership structure in the different regions.

This diversity in governance seems to have an impact on the financial autonomy of ports and their capacity to decide the investments and pricing policies according to their own commercial strategy. In contrast with the ports of the Hanse and Anglo-Saxon, the ports of the Latin and New Latin often have limited or no financial autonomy. They receive funds from the general State budget and the State regulates, sets port charges and/or collects other port revenues.

[14]See OECD (2011) Report "Competition in Ports and Port Services" http://www.oecd.org/regreform/liberalisationandcompetitioninterventioninregulatedsectors/48837794.pdf.

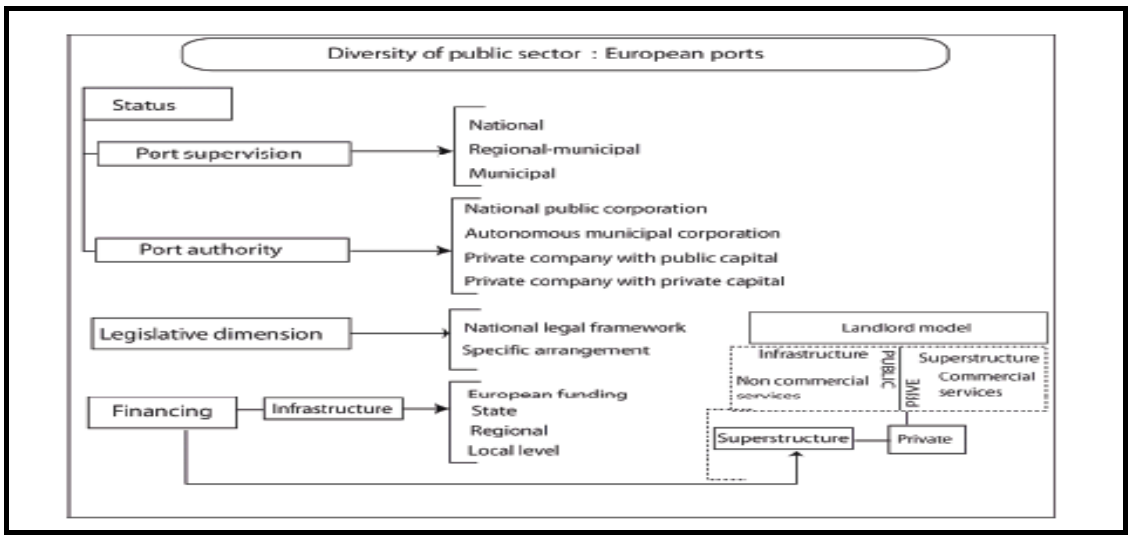
Ownership of port authorities (European Port Governance report 2010, ESPO[15])[16]

	Hanse	New Hanse	Anglo-Saxon	Latin	New Latin
Publicly owned ports	**96.0%**	**84.1%**	**47.1%**	**75.0%**	**90.6%**
National Authority	6.5%	71.3%	35.3%	64.4%	87.3%
Region	2.5%	0.0%	0.0%	7.9%	0.0%
Province	4.3%	0.0%	0.0%	2.7%	0.0%
Municipality	82.7%	12.8%	11.8%	0.0%	3.3%
Privately owned ports	**4.0%**	**0.0%**	**8.8%**	**0.7%**	**0.0%**
Other	**0.0%**	**15.9%**	**44.1%**	**24.3%**	**9.4%**
Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Port authorities' dual nature of functions

The extent, scope and mandate of "port authorities" vary greatly from one Member State to another. The association of European Port Authorities Port Governance report (ESPO, 2010) concluded as follows: "*Most port authorities in the EU have formalised objectives, but these show a great diversity of economic and non-economic ones, which are often even mixed. The pure economic objectives are varied as well. Maximisation of handled tonnage, maximisation of added value and maximisation of the profit of the port authority stand out as the most important ones. The first is more common for port authorities from the New Hanse and New Latin regions, whereas added value occurs more often in the Hanse and Latin regions. Profit maximisation is more common for port authorities from the Anglo-Saxon region*".

The ESPO Fact Finding Report further examines the dual nature of nearly all port authorities in the EU, both as (a) regulatory bodies, administering the port and providing a level playing field for port operators established in the ports and (b) operators directly and indirectly involved in the provision of commercial services in the port, often competing with other operators.



[15] See ESPO (2010) Report "European Port Governance": http://www.espo.be/images/stories/Publications/studies_reports_surveys/espofactfindingreport2010.pdf#.

[16] The categorisation made by ESPO, the "typology of regions" includes the following Member States: 1) "Hanse Region":Belgium, Denmark, Finland, Germany, The Netherlands and Sweden, 2) "New Hanse": Estonia, Latvia, Lithuania and Poland, 3) "Anglo-Saxon":Ireland and UK, 4)"Latin":Cyprus, France, Greece, Italy, Malta, Portugal and Spain and 5) "New Latin":Bulgaria, Romania and Slovenia.

Port governance and funding

In terms of public *vs* private sector involvement, the structures for provision of port services in the EU underwent significant changes in recent years. Private operators took an extremely solid and strategic role for the development of ports. Some public authorities governing the port became more commercial oriented. Although port authorities run a rather restrictive information policy on the funding of port infrastructure[17],it can be said that ports substantially rely on public funding. Except in the case of UK, general port access infrastructures are always funded by public resources. Funding of commercial operational infrastructures (dedicated quays and berths, cargo-handling facilities, ancillary cargo services, etc.) is shared both by public authorities and private operators.

Port management models – Source, World Bank

Type	General port Infrastructure	Superstructure (infrastructure required for the provision of cargo-handling operations)	Cargo-handling Operations	Other functions
Publicly owned, managed and operated Port	Public	Public	Public	Mainly public
Public Owned Port open to private operators	Public	Public	Private	Mainly public
Public Owned Port with operations privately managed	Public	Private	Private	Mainly private
Privately owned and operated ports	Private	Private	Private	Mainly private

8. Impact of ports on local economies and jobs

The impact of seaport efficiency and productivity on economic growth and jobs is well documented in transport economics. Some studies suggest[18] that there are about 800,000 enterprises directly linked to ports' activities in the EU which generate, directly and indirectly, approximately 3 million jobs. Port throughput is positively correlated to employment in port regions. OECD studies[19] indicate that an increase of one million tonnes of port throughput is associated with an increase in employment in the port region of 0.03%. This means that in a region with one million employees, employment would increase by 300 units; in the long run this increase would be 7500 units.

[17] In 2012, the European Parliament has conducted a study on this issue, which includes a number of recommendations related to transparency and state aid rules in the port sector. The study is at : http://www.europarl.europa.eu/committees/en/tran/studiesdownload.html?languageDocument=EN&file=66171.

[18] ITMMA Report: Socio-Economic Impacts of EU Ports.

[19] Ferrari, C., Merk, O., Bottasso, A., Conti, M., Tei, A. (2012), "Ports and Regional Development: a European Perspective", OECD Regional Development Working Papers.

9. Port development stages[20]

	First generation	Second generation	Third generation	Fourth generation
	Before 1960	**1960s to 1980s**	**1980s to 1990s**	**As of 2000s**
The port development position and development strategy	Conservative junction point of the sea and inland transportation	Expansionism transportation and production centre	Industrial principle international trade base chain connecting transportation system	Nodal point / key gate of sustainable transport chains, combining ocean trades and intra-EU redistribution of cargoes
Activity scope	(1) Cargo handling, storage, navigation assistance-pier and	(1) + (2) Cargo type change: container handling and distribution, ship related industry - enlargement of port regions	(1)+ (2) + Cargo information, logistics integration, ferry, Ro-Ro, lo-lo deployment, Formation of the terminal and distribution centres	(1)+(2)+(3) High end activities in the port and adjacent region(s); attraction of industrial and commercial firms to the port
Structure formation and specifics	➢ Everybody acts individually in the port ➢ Port and its users maintain informal relations.	➢ Relations between port and its users become more close ➢ Emergence of the slight correlation among port activities ➢ Absent / negative cooperation relations between port authority and users community	➢ Formation of the port cooperation system ➢ Trade and transportation chain concentration in the port ➢ Relations between port and self-governing community become more closer ➢ Planning of the port adapted to business needs	➢ Develop the EU hinterland network in cooperation with other European sea and inland ports ➢ Optimization of internal port logistics ➢ Efficient coordination between shippers, terminals, service providers, harbourmasters and transport companies.
Character of the productivity	➢ Loading - Unloading ➢ Individual supply of the simple services ➢ Low value added	➢ Cargo distribution ➢ Cargo processing ➢ Increase of the value-added activities in the port	➢ Distribution of the cargo and information ➢ Combination of the diversified services and distribution ➢ Broad range of value added activities	➢ Integrated logistics ➢ Reducing ecological footprint of overall logistic chain ➢ Attraction of high end activities to the region.
Core factors	Labour/capital	Capital	Technology and know-how	ICTs and network integration

[20] Haralambides et al. (2003) Erasmus University Rotterdam.

10. Overview of recent and on-going port reforms and re-organisations in selected European countries[21]

Belgium (Flanders)

The legal form of port authorities is laid down in the 1999 'Havendecreet' (Ports Decree) of the Flemish government. A few years ago, government introduced the concept of 'Flanders Port Area' to stimulate more intensive co-operation between port authorities. Here, priority will be given to common initiatives with a clear value added, without questioning the decision-making of individual port authorities.

Activities with respect to (1) strengthening the social support for ports, (2) acknowledging the importance of ports in logistics networks and (3) greening of port activities will be emphasised. In order to ensure the realisation of three sea locks in three Flemish ports, the Flemish government created the 'NV Vlaamse Havens' (SA Flemish Ports). For each sea lock the 'NV Vlaamse Havens' will establish a subsidiary in which the NV and the involved port authority or a selected private partner will participate. Notwithstanding the stipulations of the Ports Decree, the Flemish government requests that port authorities concerned make a financial contribution for the construction of these sea locks.

Bulgaria

Since Bulgaria became an open market economy, a successive series of port reforms have occurred which basically intend to privatise operations in the country's two main ports, Bourgas and Varna. Port authority responsibilities are centralised at national level and have shifted back and forth between an 'executive agency' for maritime administration and an 'infrastructure company'. The latest change (2010) concentrates all port authority responsibilities, including nautical responsibility, with the Bulgarian Port Infrastructure Company.

Denmark

In 2010, Danish government started up discussion on reform of the country's ports which are mostly owned by municipalities but governed by a national Ports Act. A governmental commission is evaluating the current legislative framework from the perspective of efficiency and competitiveness, making recommendations to modify the Port Act where necessary. A particular question is whether certain ports need to have a 'national interest' status.

Finland

A 2007 decision of the European Commission regarding the existence of state aid in a Finnish so-called 'state enterprise' has led Finnish government to legislate that government-owned entities must be corporatized by the beginning of 2014. This also affects Finnish port authorities, which are mostly owned by municipalities. Furthermore, some Finnish ports are in the process of merging, the most concrete example being the Ports of Hamina and Kotka which merged into one limited company on 1 May 2011.

France

President Sarkozy initiated in 2008 a major reform of French ports of which the most visible part is the completion of the port labour reform, notably the privatisation of handling equipment and staff. The reform programme however also modified the governance of the major ports in France, the former 'ports autonomes' (autonomous ports) which have now

[21] Source: ESPO Fact Finding Report (2011)

become ‘Grands Ports Maritimes’. The reform will be effective before the end of June 2011. The reform of the major ports succeeds the reform of smaller national ports which has been launched in 2004 and has put those ports mainly under regional control.

Germany

In close co-operation with the ‘Bundesländer’ (Federal states), the German government published in 2009 a ‘Nationales Hafenkonzept’ which is currently in the process of implementation. This approach is innovative and significant, because it is the first time that the German government develops an elaborate view on ports policy, which addresses – inter alia – capacity development and aims to stimulate co-operation between ports. Governance of German seaports however remains within the competence of each ‘Bundesland’.

Various forms of co-operation exist between these states and the ports themselves. One example is the co-operation between the seaports of the Lower Elbe river (Hamburg, Brunsbüttel, Cuxhaven, Stade) agreed in 2009 which aims to attract business ventures, exchange know-how and develop joint marketing. The ‘Länder’ also want to establish joint PR activities under the common label ‘German Ports’. In addition, the regional governments of Hamburg and Bremen started in 2011 an investigation into a more profound co-operation between their port authorities. The results of this exercise have not yet been published.

Ireland

Irish government started in September 2010 a consultation on a reform of Irish ports. Most of the commercial ports are currently state-owned corporations. The consultation addresses four aspects: governance (including corporate governance but also ownership and the option of privatisation), capacity development, planning and funding, exploiting the use of short-sea shipping, benchmarking competitiveness and stimulating cooperation between ports.

Italy

The fundamentals of Italian port governance are laid down in a 1994 Law which established port authorities for the main Italian ports and liberalised cargo-handling services. In recent years several proposals to amend the Law have been discussed but without major changes so far. In September 2010 government proposed a bill which introduces a classification of ports, deals with competences of port authorities and harbour masters offices, faster approval procedures for port regulatory plans and a review of concession procedures. The main wish of the sector, i.e. to establish financial autonomy for port authorities, has however not been realised yet. In 2009 and 2010 neighbouring port authorities in several regions (North Adriatic, Liguria, Tuscany, Calabria) set up regional port associations to stimulate more intensive co-operation.

Malta

During the last 10 years the operation of the ports in Malta has undergone a whole reform process whereby all port services have passed from the port authority to the private industry either through concession contracts or service level agreements. All port related legislation was amended to reflect these changes and allow for more flexibility in responding to market needs and efficiency in port operations. Likewise, new legislation establishing the port authority was adopted in 2009 to clearly reflect the change whereby its functions have changed from being an operator of port facilities and a provider of port services to one where it has become the regulator of port services and the facilitator of port business.

Netherlands

Reforms of Dutch ports have taken place on individual basis. The most significant reform in the recent past was the corporatisation of the Port of Rotterdam in 2004, which was probably the most advanced corporatisation of any European, publicly-owned port authority. With the reform, the Dutch state became co-shareholder in the otherwise municipally-owned port authority. Zeeland Seaports, the port authority that manages the ports of Vlissingen and Terneuzen, was corporatized early 2011.

The main difference with Rotterdam is that the only shareholder here is the Joint Agreement Zeeland Seaports, in which the Province of Zeeland and the municipalities of Terneuzen, Vlissingen and Borsele participate. The Dutch state is no shareholder. The Port of Amsterdam and Groningen Seaports, the port authority that manages the ports of Delfzijl and Eemshaven, are both going through similar corporatisation process at the moment. On national level, government has de facto followed a 'mainport' approach to the advantage of Rotterdam. Recently, an advisory body to the government suggested to set up a port holding between Rotterdam and Amsterdam. This has thus far not led to any concrete initiative however.

Poland

The 1996 'Act on Seaports and Harbours' was the basis to create three port authorities in the ports of major importance for the national economy, i.e. the ports of Gdansk, Gdynia and Szczecin-Swinoujscie. Since then the Act has been a few times amended and an obligation to sell shares in port operation companies was imposed on port authorities. Currently, there is no legislative procedure active in this respect. The execution of certain stipulations of the Act is still in progress, such as privatisation of port authorities' daughter companies involved in stevedoring.

Romania

In July 2010 the government of Romania has reviewed the legal framework for the administration of Romanian ports and the use of public port infrastructure (review of the Governmental Ordinance 22/1999). This has concretely allowed the sub-concession of the port domain to interested private companies and operators.

Spain

In August 2010 Spanish government adopted a new Law which contains a major amendment to the 2003 'Law on the Economic Regime and the Provision of Services in Ports of General Interest'. The new Law seeks to enhance the efficiency and competitiveness of Spanish ports and specifically regulates the financial autonomy of ports and the provision of port services. To this end, it contains detailed provisions on various types of port dues and port services, on the delimitation of port areas and on port labour.

Sweden

In spring 2009, Gothenburg City Council decided to divide the Port of Gothenburg into a municipal company – Gothenburg Port Authority - and three terminal companies to be run by external operators. The Port of Gothenburg will still operate as an open, multi-user port and new shipping companies and cargo owners are welcome to establish their activities. These would be overseen by the port authority through concession agreements with new terminal operators.

In April 2011, the Swedish logistics company Logent took over operations at the car terminal. In October 2010, an agreement was reached with DFDS and C.Ports which will be the new,joint operator of the roro-terminal. The transfer is subject to approval by the Swedish Competition Authority, which is standard practice for major transfers. The process of

transferring the container terminal is underway. An agreement with a new operator is expected to be in place during autumn 2011. A similar process of privatisating cargo handling activities took place earlier in the Ports of Stockholm.

United Kingdom

A number of the largest ports in the UK were privatised in the late 1980s and early 1990s. Other ports remained in the hands of independent trusts or municipalities. The installation of a conservative / liberal democrat coalition government in 2010 has again sparked the debate about privatising the remaining major trust ports. This debate is highly controversial as the on-going privatisation of Dover, a process which was initiated before the government changeover, demonstrates

11. Sea port dues in EU ports (excerpt from infrastructure charging study, 2012[22])

Charges applied by maritime ports for ships are the fundamental way not only to obtain payment for services provided but also to internalise costs related to local externalities. Accordingly, all 29 ports considered in the study use port dues.

Gross tonnage is overwhelmingly common as basis for setting the charges. While some ports use volume as proxy for capacity, there are only two ports in the sample whose charges are not tonnage or volume based.

Environmental considerations are taken into account by 13 ports, which grant discounts based on participation in the Environmental Ship Index scheme[1] (7 ports in Belgium, France, Germany and the Netherlands), and/or based on the Green Award certificate[2] (5 ports in Latvia, Lithuania, the Netherlands and Portugal), or directly though rebates linked to NO_x/SO_x emissions (Port of Stockholm and Trelleborg in Sweden) or via levying a sulphur fee (Port of Gothenburg, Sweden)[3].

The resulting variation in port dues is shown on the following table for four types of vessel. The study found that sea port dues diverge the greatest for Roll-On-Roll-Off-Passenger (RoPax) vessels, because of the dissimilar charging for passengers and passenger cars across the ports.

22 http://ec.europa.eu/transport/themes/sustainable/studies/doc/2012-11-inventory-measures-internalising-external-costs.pdf

[1] The Environmental Ship Index is based on ship emissions of local pollutants, such as NO_x, SO_x, particulate matter, and GHG. Source: http://www.wpci.nl/projects/environmental_ship_index.php.

[2] The Green Award certification scheme focuses on crew, operational, environmental and managerial elements. Source: http://www.greenaward.org/greenaward/.

[3] In addition, Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues, requires ports to provide waste reception facilities and vessels are, against a waste charge, obligated to make use of these facilities. The charges are always differentiated based on the certain characteristics of the ship, such as gross or net tonnage, engine power, or volume.

Table 5 Sea port dues (in €) calculated for exemplary vessels (2012)[23]

Port	Aframax liquid bulk carrier	Panamax bulk carrier	Handy container vessel	RoPax vessel
Port of Antwerp, Belgium	41,500	24,700	8,800	18,700
Port of Zeebrugge, Belgium	19,800	14,000	4,900	5,800
Port of Bourgas, Bulgaria	30,400	24,500	9,200	14,400
Port of Lemesos, Cyprus	43,500	17,100	9,200	16,300
Port of Copenhagen-Malmö, Denmark	68,100	25,200	9,700	19,400
Port of Tallinn, Estonia	99,000	32,000	11,900	11,000
Helsinki Port, Finland	37,800	23,000	6,000	9,800
Grand Port Le Havre, France	44,100	25,800	3,100	5,900
Grand Port Maritime de Marseille, France	35,300	28,500	3,400	9,500
Ports of Bremen/Bremerhaven, Germany	24,600	11,000	6,000	9,500
Port of Hamburg, Germany	24,200	16,600	3,200	2,300
Port of Riga, Latvia	54,200	35,800	7,000	8,800
Port of Klaipeda, Lithuania	31,900	23,500	8,700	24,400
Grand Harbour of Valletta, Malta	50,800	24,600	9,300	3,900
Port of Amsterdam, The Netherlands	29,500	17,500	3,600	16,300
Port of Rotterdam, The Netherlands	31,700	17,600	5,500	5,200
Port of Gdansk, Poland	30,300	22,300	4,100	4,800
Port of Sines, Portugal	17,000	11,300	2,700	8,100
Port of Constanza, Romania	17,000	7,700	3,800	8,100
Port of Koper, Slovenia	10,700	6,800	2,800	2,900
Port of Barcelona, Spain	21,000	21,400	6,500	18,200
Port of Valencia, Spain	21,500	21,800	6,300	18,400
Port of Gothenburg, Sweden	22,800	16,800	6,200	5,800
Port of Stockholm, Sweden	86,900	27,300	10,300	20,300
Port of Trelleborg, Sweden	36,500	12,700	5,700	3,100
Ports of Grimsby & Immingham, UK	237,600	140,000	14,300	159,300
Port of London, UK	33,000	21,900	7,700	15,200
Ports of Tees & Hartlepool, UK	92,200	67,900	25,100	67,000

[23] Source: DG MOVE Study (2012) "An inventory of measures for internalising external costs in transport", chapter 5 Maritime Shipping – see footnote 22

12. Findings of the European Court of Auditors on the use of Structural Funds for ports projects

The Court pointed out as a serious problem for the allocation of funding to ports the absence of long-term port development plans and the fact that, in the cases of ports projects audited, no needs assessment had been carried out.

Excerpts from the report of the European Court of Auditors on performance of sea-ports (2012)[24]

"Between 2000 and 2006, 2.8 billion euro from the Structural and Cohesion Funds was allocated to seaport infrastructures." "A lot of the investments made [N.B. supported by the EU Funds] suffer from either ineffective links to their hinterland ('Port 2000' in Le Havre) or missing links (Bari, Brindisi, Langosteira and Ferrol). Even though 'Port 2000', Bari and Ferrol were considered as being effective, these five projects, representing 47,7 % of the co-financed amounts audited, are likely to need significant further investments to become linked to their hinterlands and operate to their capacity."

"In **Italy**, there was neither a national nor a regional planning strategy for seaport investments at the beginning of the 2000-06 period. A general plan for transport and logistics was approved in December 2002 and this remains in place as no subsequent plan has been established. In 2003, a working group came together to synchronise investments at national and regional levels."

"In **France**, decisions on co-funding port infrastructures were embedded in a decision of the Transport Minister. In 2010, the Schéma National Infrastructures de Transport was proposed in order to develop alternatives to road transport, linking investments to their impact on global warming, but this proposal had not yet been adopted at the time of the audit. "

"This audit also showed that none of the regions visited had a long-term port development plan in place and needs assessments to support the selection of seaport infrastructure projects had not been carried out".

[24] http://eca.europa.eu/portal/pls/portal/docs/1/14050737.PDF

ANNEX III:

Maritime ports freight and passenger statistics

From EUROSTAT Statistics Explained

This annex reproduces the latest statistical data (20 March 2013) on freight handling and passenger traffic in ports in the European Union. For more detailed EUROSTAT information / updates see: **Statistics Explained article "Maritime transport of goods - quarterly data"**
http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Maritime_transport_of_goods_-_quarterly_data

Maritime port activity in the EU27

After growing steadily between 2002 and 2007, the total weight of goods handled[1] in maritime ports in the **EU27** remained nearly stable at 3.9 billion tonnes in 2008. It then fell by 12% to 3.4 bn tonnes in 2009 as the result of the economic crisis. From 2010 the weight of goods handled increased again, to reach 3.7 bn tonnes in 2011, still below the level recorded in 2008. Compared with 2010, the weight of goods handled increased by 2% in 2011.

For sea transport of passengers, the number of passengers embarking or disembarking[1] in maritime ports in the **EU27** has fallen steadily from a peak of 414 million passengers in 2007, to reach 385 mn in 2011. Compared with 2010, the number of passengers decreased by 4% in 2011.

These figures are published in a report[2] from **Eurostat, the statistical office of the European Union**, on port activity for goods and passengers in the **EU**[3], as well as **Norway**, **Croatia** and **Turkey**.

The United Kingdom, Italy, the Netherlands, Spain, France and Germany represent just over two-thirds of the total weight of goods handled

The Member States with the largest total weight of goods handled in maritime ports in 2011 were the **United Kingdom** (520 mn tonnes, +2% compared with 2010), **Italy** (500 mn tonnes, +1%), the **Netherlands** (492 mn tonnes, -9%), **Spain** (398 mn tonnes, +6%), **France** (322 mn tonnes, +3%) and **Germany** (296 mn tonnes, +7%).

Italy, Greece, Denmark, Sweden and Germany account for just over two-thirds of the total number of passengers handled

In 2011, the highest numbers of passengers embarking or disembarking in maritime ports were recorded in **Italy** (82 mn passengers, -7% compared with 2010), **Greece** (79 mn, -8%), **Denmark** (42 mn, -1%), **Sweden** (30 mn, 0%), **Germany** (29 mn, +2%), the **United Kingdom** (28 mn, -3%), **France** (26 mn, -6%) and **Spain** (22 mn, +3%).

Rotterdam largest port for goods handling, Dover for passengers

Among the top ten cargo ports in terms of tonnes of goods handled, **Rotterdam** (370 mn tonnes weight of goods handled, -6% compared with 2010) was the largest port in 2011, followed by **Antwerp** (169 mn tonnes, +5%), **Hamburg** (114 mn tonnes, +9%), **Marseille** (85 mn tonnes, +3%) and **Algeciras** (69 mn tonnes, +17%).

Dover (13 mn passengers, -3% compared with 2010) was the busiest port in terms of the number of passengers disembarking or embarking in 2011, followed by **Paloukia Salaminas** and **Perama** (both 12 mn, -8%), **Helsinki** (10 mn, +5%) and **Calais** (10 mn, -2%).

	Weight of goods handled, in million tonnes			Number of passengers embarked or disembarked, in thousands		
	2010	2011	Growth rate 2011/2010, %	2010	2011	Growth rate 2011/2010, %
EU27[3]	**3 645.6**	**3 706.4**	**1.7**	**399 465**	**385 402**	**-3.5**
Belgium	228.2	**232.8**	**2.0**	829	**824**	**-0.6**
Bulgaria	22.9	**25.2**	**9.8**	-	-	-
Czech Republic	-	-	-	-	-	-
Denmark	87.1	**92.6**	**6.4**	41 993	**41 527**	**-1.1**
Germany	276.0	**296.0**	**7.3**	28 780	**29 233**	**1.6**
Estonia	46.0	**48.5**	**5.3**	11 186	**11 840**	**5.9**
Ireland	45.1	**45.1**	**0.0**	3 089	**2 906**	**-5.9**
Greece	129.1	**135.3**	**4.8**	86 189	**79 183**	**-8.1**
Spain*	376.4	**398.3**	**5.8**	21 215	**21 868**	**3.1**
France	313.6	**322.3**	**2.8**	27 218	**25 552**	**-6.1**
Italy	494.1	**499.9**	**1.2**	87 658	**81 895**	**-6.6**
Cyprus	7.0	**6.6**	**-5.6**	107	**92**	**-14.2**
Latvia	58.7	**67.0**	**14.2**	676	**786**	**16.4**
Lithuania	37.9	**42.7**	**12.7**	251	**281**	**12.1**
Luxembourg	-	-	-	-	-	-
Hungary	-	-	-	-	-	-
Malta	6.0	**5.6**	**-7.1**	8 063	**8 250**	**2.3**
Netherlands**	538.7	**491.7**	**-8.7**	1 994	**1 770**	**-11.2**
Austria	-	-	-	-	-	-
Poland	59.5	**57.7**	**-3.0**	2 601	**2 528**	**-2.8**
Portugal**	66.0	**67.5**	**2.3**	701	**659**	**-5.9**
Romania	38.1	**38.9**	**2.1**	-	-	-
Slovenia	14.6	**16.2**	**11.0**	39	**36**	**-8.9**
Slovakia	-	-	-	-	-	-
Finland	109.3	**115.5**	**5.6**	17 867	**18 074**	**1.2**
Sweden	179.6	**181.6**	**1.1**	30 185	**30 094**	**-0.3**
United Kingdom	511.9	**519.5**	**1.5**	28 824	**28 002**	**-2.9**
Norway***	195.1	**199.0**	**2.0**	5 876	**6 130**	**4.3**
Croatia	24.3	**21.9**	**-10.1**	25 124	**26 947**	**7.3**
Turkey	338.1	**359.1**	**6.2**	1 577	**1 842**	**16.8**

Top ten EU27 cargo ports and passenger ports, 2011

Rank	Cargo ports		Weight of goods handled		Passenger ports		Number of passengers embarked or disembarked	
			Millions of tonnes	Growth rate 2011/2010 (%)			Thousands	Growth rate 2011/2010 (%)
1	**NL**	Rotterdam	370.3	-6.4	**UK**	Dover	12 918	-3.3
2	**BE**	Antwerpen	168.5	5.3	**EL**	Paloukia Salaminas	11 662	-8.2
3	**DE**	Hamburg	114.4	9.4	**EL**	Perama	11 662	-8.2
4	**FR**	Marseille	84.5	2.5	**FI**	Helsinki	10 326	+4.8
5	**ES**	Algeciras	68.8	17.4	**FR**	Calais	10 063	-1.7
6	**FR**	Le Havre	63.4	-3.6	**SE**	Stockholm	9 184	+0.4
7	**NL**	Amsterdam	59.6	-18.1	**EL**	Piraeus	9 182	-16.1
8	**UK**	Immingham	57.2	5.9	**SE**	Helsingborg	8 339	-2.4
9	**DE**	Bremerhaven	55.9	21.6	**DK**	Helsingør (Elsinore)	8 324	-2.5
10	**ES**	Valencia	54.2	2.1	**IT**	Messina	8 060	-25.1

1. It should be noted that these statistics are primarily designed to measure port activity and not the sea transport of goods and passengers. Goods and passengers travelling within the EU are counted twice, once in the port of loading/embarkation and once in the port of unloading/disembarkation, whether these ports are in the same or in two different Member States.
2. **Eurostat**, Statistics in Focus 7/2013, "**Continued recovery in volume of goods handled in EU ports**". The publication is available free of charge in PDF format on the Eurostat website.
3. Excludes the Czech Republic, Luxembourg, Hungary, Austria and Slovakia which have no maritime ports.

Main statistical findings – March 2013

Continued recovery in volume of goods handled in EU ports

There were continued year-on-year increases in EU port activity in the first three quarters of 2011. However, this recovery came to an end in the fourth quarter of 2011, interrupting a pattern of growth which goes back to the first quarter of 2010 (Figure 1).

The growth in EU port activity in 2011 was mainly due to increased volumes in inward movement of goods. Despite the annual increases in the gross weight of goods handled in EU ports following the economic downturn, overall port activity in the EU was still lower in 2011 than the level recorded 6 years earlier, in 2005 (Table 1).

Rotterdam, Antwerpen and Hamburg maintained their positions as the three largest EU ports in 2011, both in terms of the gross weight of goods and the volume of containers handled in the ports. The 20 largest ports accounted for 37.0 % of the total tonnage of goods handled in the countries reporting data in 2011. Rotterdam on its own accounted for 8.6 % of the total tonnage (Table 3).

The number of passengers passing through EU ports is estimated at more than 385 million in 2011, a decrease of 3.5 % compared with 2010. The main reason for this fall is a reduction in the numbers of passengers embarking and disembarking in Italy and Greece, the EU's two leading countries for seaborne passenger transport (Table 6).

UK: largest maritime freight transport country in Europe

Port activity grew in most European countries in 2011. The largest increases were recorded in Latvia, Lithuania and Slovenia, all with rises of more than 10.0 % in the tonnage of goods handled in their ports compared with 2010 (from relatively low levels). In contrast, decreases

in port activity were recorded in the Netherlands (-8.7 %), Malta (-7.1 %), Cyprus (-5.6 %) and Poland (-3.0 %). Port activity in the acceding state of Croatia also decreased from 2010 to 2011 (-10.1 %).

At 519 million tonnes, the United Kingdom (UK) handled the largest volumes of seaborne goods in 2011, reclaiming its position as the largest maritime freight transport country in Europe. The volume of seaborne goods handled in UK ports in 2011 represented 14.0 % of the EU-27 total. The UK was followed by Italy and the Netherlands, with shares of 13.5 % and 13.3 %, respectively. Spain remained the fourth largest maritime freight transport country in the EU in 2011 and France the fifth largest. Ports in the candidate country Turkey handled 359 million tonnes of goods in 2011, placing it between France and Spain.

Inward movement of goods increased by 2.8 % in 2011 and accounted for over 62 % of the total tonnage of goods handled in EU-27 ports. Considerable inward volumes of liquid bulk goods, such as crude oil and oil products, account for much of this inward tonnage.

In general, more seaborne goods are unloaded than loaded in the majority of EU countries. Cyprus had the highest share of total tonnage unloaded in 2011, followed by the Netherlands and Malta. However, for Romania (agricultural products), the three Baltic countries (oil products) and the EEA country Norway (crude oil), outward movement of goods prevailed.

Liquid bulk accounted for 39 % of total tonnage

Liquid bulk goods accounted for 39.0 % of the total tonnage of cargo handled in the main EU-27 ports in 2011, followed by dry bulk goods, containerised goods and Ro-Ro mobile units (Table 2). The largest tonnage of liquid bulk goods was handled in UK ports (230 million tonnes), followed by the Netherlands (223 million tonnes) and Italy (210 million tonnes). Estonia recorded the highest share of liquid bulk goods as a percentage of the total tonnage of goods handled in the main ports (reflecting large volumes of outward movements of oil products from Russia). Dutch ports' handling of dry bulk goods was by far the largest in the EU in 2011 (140 million tonnes), but only a little higher than the candidate country Turkey (137 million tonnes).

Container transport was the dominant type of cargo in Germany (44.0 %) and Belgium (41.0 %), while the largest volumes of goods in containers were handled in Germany (126 million tonnes) and Spain (128 million tonnes). The share of Ro-Ro units in the total tonnage of goods was highest for Denmark, Ireland and Sweden (all 27.0 %). However, in tonnage terms, the United Kingdom (97 million tonnes) and Italy (93 million tonnes) had the largest quantities of goods transported on Ro-Ro mobile units in 2011.

Rotterdam, Antwerpen and Hamburg remain top ports

Rotterdam, Antwerpen and Hamburg, all located on the North Sea coast, consolidated their positions as Europe's top three ports in 2010, both for the gross weight of goods (Table 3) and the volume of containers handled (Table 4). Europe's largest port, Rotterdam, saw a fall of 6.4 % in the gross weight of goods handled from 2010 to 2011 (mainly due to reduced volumes of liquid bulk goods), while Antwerpen and Hamburg both reported increases in the total volume of goods handled in the same period. Most of the cargo handling in Rotterdam involves liquid and dry bulk goods such as oil, chemicals, coal and ores. However, Rotterdam is also Europe's largest container port, handling almost 15 million twenty-foot equivalent units (TEUs) in 2011, a substantial increase compared with 2010 (Table 4).

Container cargo accounted for more than half of the total tonnage of cargo handled in the more specialised ports of Antwerpen and Hamburg. The port of Hamburg handled a total of 9

million TEUs in 2011, overtaking Antwerpen as the second largest container port in Europe measured by the number of TEUs handled. After a gradual recovery in the last years, the port of Piraeus in Greece handled more TEUs in 2011 than before the economic downturn (Table 4).

Among the top 20 cargo ports, Bremerhaven in Germany reported the largest growth in gross weight of goods handled in 2011 (+21.6 %), followed by Taranto in Italy (+20.5 %) and Algeciras in Spain (+17.4 %). On the other hand, Amsterdam saw a substantial decrease in port activity in 2011 (-18.1 %), due to reduced tonnages of dry and liquid bulk goods (Table 3).

The most specialised among the top 20 cargo ports are Milford Haven in the UK, Bergen in Norway and Botas in Turkey (mostly liquid bulk goods), as well as Bremerhaven in Germany (mostly containers). While inward activity is prevalent in most of the top 20 ports, the ports of Bergen and Botas both handle substantial outward movements of crude oil. Bremerhaven also handles slightly more outwards movements of containerised goods than inwards movements.

The 20 largest ports accounted for 37.0 % of the total tonnage of goods handled in the countries reporting data in 2011 (EU-27, Croatia, Norway and Turkey), about the same as in 2010. Rotterdam alone accounted for 8.6 % of the total port activity in the reporting countries in 2011. Nine of the 20 top ports in 2011 are located on the North Sea coast, while eight are Mediterranean ports (Map 1). The remaining three are located on the Atlantic coast (two of which are on the Channel).

The composition of the port infrastructure will sometimes determine if a country is represented on the top 20 list of cargo ports or not. Denmark and Greece, for instance, are two countries with a high number of medium size ports (handling between 1 and 25 million tonnes of goods per year). However, there are no ports in these two countries above a 25 million tonnes threshold.

Increase in seaborne transport with extra-EU partners

Unlike statistics presented earlier in this article, the figures in Table 5 do not present the total handling of goods in ports (inwards movements plus outwards movements), but estimate the seaborne transport of goods between main ports and their partner ports (see data sources and availability). In 2011, 64.0 % of the EU-27 seaborne goods were transported to or from ports outside the EU, making maritime transport by far the most important mode for long distance transport of goods for the EU, in tonnage terms.

Map 2 illustrates the eight largest maritime transport flows to or from the EU. As shown in the map, all of the top eight transport flows were inward flows of goods, from the Baltic Sea region of Russia, Brazil, Norway, the East Coast of the United States of America (USA), Egypt, the Black Sea region of Russia, China and Turkey, respectively. In comparison, the ninth largest seaborne transport flow in 2011 was the outwards flow of goods from the EU to the East Coast of the USA.

In total, EU seaborne transport grew by 1.7 % from 2010 to 2011. International extra-EU transport grew by 3.5 % in the same period, while international intra-EU transport decreased by 3.3 %, reversing some of the growth in intra-EU transport seen between 2009 and 2010. National seaborne transport grew by 4.1 %.

In countries with a geography characterised by well-populated islands or long shorelines, like Greece, Italy, Denmark and Norway, the share of national seaborne transport is naturally high (20-30.0 %). Countries, like Ireland, Latvia, Malta, Poland, Finland and Sweden, on the other

hand, have the highest shares of international intra-EU transport (more than 60.0 %), because their main transport partners are found within the EU. Other countries, like Bulgaria, Romania, Slovenia, Spain and the Netherlands, have high shares of extra-EU transport (above 70.0 %), based either on their geographical position or the "deep sea" nature of the transport activities prevailing in their main ports.

Continued decrease in maritime passenger transport

In contrast to the recent developments in maritime transport of goods, seaborne transport of passengers continued to decline in 2011 (Table 6). The total number of passengers passing through EU-27 ports is estimated at 385 million in 2011 (inwards movements plus outwards movements), a drop of 3.5 % compared to the previous year.

Unlike goods movements (where broadly 2/3 of goods are unloaded and 1/3 loaded), the difference between the numbers of passengers embarking ("outwards") and disembarking ("inwards") in European ports is small. This reflects the fact that seaborne passenger transport in Europe is mainly done by national or intra-EU ferry connections, causing the same passengers to be counted twice in the statistics (when they embark and when they disembark).

Close to 82 million passengers were embarked and disembarked in Italian ports in 2011, confirming Italy as the leading seaborne passenger transport country in Europe. Italy was followed by Greece, with 79 million passengers. However, both the main maritime passenger countries recorded quite considerable decreases in the number of passengers passing through their ports in 2011.

While cruise passengers represented 3.0 % of the total number of passengers in EU-27 ports, they are important to the ports they visit. Three countries, Italy, Spain and the UK, accounted for over 70.0 % of the total cruise passengers reported by countries.

The top 20 passenger ports accounted for 38.0 % of the total number of passengers embarking and disembarking in the countries reporting data in 2011 (Table 7). Dover in the UK, situated on the Channel, remained the largest passenger port in Europe, with close to 13 million seaborne passengers passing through the port facilities in 2011. The Italian ports of Reggio Di Calabria and Messina and the Greek port of Piraeus recorded the largest decreases in number of passengers in 2011, while the Spanish port of Santa Cruz de Tenerife recorded the largest increase.

The figures in Table 7 show that some ports have experienced quite substantial decreases in the number of seaborne passengers over time. These changes are typically caused by openings of new bridge connections and subsequent closure of ferry links. Increased use of the Channel tunnel and rapid growth in low cost flights are other factors having effects on the number of seaborne passengers.

Most passengers are ferried in Italy and Greece

Table 8 shows the breakdown of seaborne passenger transport (excluding cruise passengers) between national, international intra-EU and international extra-EU transport for each reporting country. As in Table 5, these figures are calculated on the basis of the statistics declared by main ports vis-à-vis their partner ports. Unlike the statistics shown in tables 6 and 7, however, these figures do not reflect the total embarkation and disembarkation of passengers in ports, but estimate the transport of passengers between ports (see also data sources and availability).

The volume of seaborne passenger transport in main EU-27 ports decreased by 4.7 % from 2010 to 2011, which was about the same as between 2009 and 2010. The sustained fall in European maritime transport of passengers in recent years has mainly been caused by decreased transport to or from ports in a number of the largest maritime transport countries, such as Italy, Greece, the UK and France.

The number of seaborne passengers transported to or from the main ports of Italy fell by 8.0 % to 41 million passengers in 2011, while the volume of seaborne passenger transport with Greek ports fell by 7.1 % to 39 million passengers. The corresponding decreases were -5.9 % in France (to about 23 million passengers) and -3.2 % in the United Kingdom (to about 24 million passengers). In contrast, the volume of seaborne passengers recorded in the main ports of several other of the large maritime passenger countries increased or was relatively stable in 2011.

More than half of the seaborne passenger transport in the EU countries is carried out between national ports. In general, countries with busy ferry connections and well-populated islands tend to have both a large volume of maritime passenger transport and a high share of national passenger transport by sea.

This applies to the two leading maritime passenger transport countries, Italy and Greece, as well as countries like Malta and Portugal. On the other hand, countries with major regular ferry connections to other EU countries, like Ireland, the Netherlands, Poland, Sweden, Finland and the UK, naturally have high shares of international intra-EU transport.

As in previous years, Spain and Denmark recorded the highest shares of extra-EU passenger transport in 2011. This is mainly due to the geographical position of the countries, with Spain having links with Morocco and Denmark with Norway.

Increased average size of vessels calling in main EU ports

The number of vessel calls in the main EU-27 ports (excluding French ports) was just above 2 million in 2011, about the same as in 2010 (Table 9). The corresponding gross vessel tonnage (GT) increased by 3.0 %, however, confirming the trend towards larger average size of vessels making port calls in recent years. The average size of vessels calling in EU ports in 2011 was just above 7 300 GT

Top 20 cargo ports in 2010 - on the basis of gross weight of goods handled (in million tonnes)

Rank 2010	Port	*	1997	2007	2009	2010									Growth rate 2009-2010 (%)	Average annual growth rate 1997-2010 (%)
						By direction			By type of cargo handled (%)							
			Total	Total	Total	Inwards	Outwards	Total	Liquid bulk goods	Dry bulk goods	Large con-tainers	Ro-Ro Mobile units	Other cargo, nes			
1	Rotterdam (NL)	=	303.4	374.2	353.9	287.9	107.9	**395.8**	53%	21%	22%	2%	3%		**+11.8%**	+2.1%
2	Antwerpen (BE)	=	104.6	165.5	142.1	83.9	76.2	**160.0**	25%	12%	52%	3%	7%		**+12.6%**	+3.3%
3	Hamburg (DE)	=	69.6	118.2	94.8	61.9	42.6	**104.5**	14%	25%	59%	0%	3%		**+10.3%**	+3.2%
4	Marseille (FR)	=	92.9	92.6	79.8	64.4	18.0	**82.4**	71%	14%	9%	3%	3%		**+3.2%**	-0.9%
5	Amsterdam (NL)	=	36.9	62.5	72.7	48.8	23.9	**72.7**	51%	43%	1%	0%	4%		**-0.1%**	+5.3%
6	Le Havre (FR)	=	58.2	73.9	69.2	49.8	15.9	**65.8**	64%	5%	29%	1%	0%		**-5.0%**	+0.9%
7	Algeciras (ES)	+1	34.2	62.1	55.8	33.8	24.8	**58.6**	43%	3%	50%	1%	3%		**+4.9%**	+4.2%
8	Immingham (UK)	+1	48.0	66.3	54.7	40.5	13.6	**54.0**	41%	31%	1%	25%	2%		**-1.2%**	+0.9%
9	Valencia (ES)	+1	16.3	45.9	48.3	28.1	25.0	**53.1**	10%	5%	76%	0%	9%		**+9.8%**	+9.5%
10	Bergen (NO)	-3	:	61.2	56.0	9.6	40.1	**49.8**	90%	5%	0%	0%	4%		**-11.1%**	:
11	London (UK)	=	55.7	52.7	45.4	39.8	8.3	**48.1**	41%	23%	13%	19%	5%		**+5.8%**	-1.1%
12	Bremerhaven (DE)	+1	16.6	43.6	42.7	20.8	25.1	**45.9**	0%	0%	92%	0%	7%		**+7.6%**	+8.1%
13	Göteborg (SE)	+4	31.3	40.4	38.9	22.4	20.5	**42.9**	53%	0%	20%	27%	0%		**+10.3%**	+2.5%
14	Milford Haven (UK)	+1	34.5	35.5	39.3	27.9	14.8	**42.8**	97%	0%	0%	2%	0%		**+8.9%**	+1.7%
15	Genova (IT)	-3	42.2	48.4	42.7	30.1	11.3	**41.4**	49%	7%	26%	17%	1%		**-3.0%**	-0.1%
16	Trieste (IT)	-2	42.1	39.8	41.0	33.3	7.2	**40.6**	69%	2%	6%	18%	5%		**-1.0%**	-0.3%
17	Southampton (UK)	+3	33.1	43.8	37.2	24.1	15.2	**39.4**	70%	6%	21%	3%	0%		**+5.7%**	+1.4%
18	Dunkerque (FR)	+9	36.4	50.2	37.9	25.7	10.6	**36.3**	15%	63%	5%	0%	18%		**-4.3%**	-0.0%
19	Tallinn (EE)	-3	:	35.9	31.4	8.7	27.5	**36.3**	70%	15%	4%	10%	1%		**+15.5%**	:
20	Tees & Hartlepool (UK)	+3	51.2	49.8	39.2	12.3	23.4	**35.7**	69%	17%	5%	6%	2%		**-8.9%**	-2.7%
Total top 20 ports [1]		-	:	**1 588.8**	**1 429.9**	**954.0**	**552.0**	**1 506.0**	**48%**	**16%**	**27%**	**5%**	**4%**		**+5.3%**	:
EEA-IS+HR (all ports)		-	:	**4 166.1**	**3 651.5**	**2 321.8**	**1 535.8**	**3 857.7**							**+5.6%**	:

** This column indicates the number of positions lost or gained compared to 2009.*

(1) Information about the ports being part of the top 20 ports during the reference year concerned. The composition of the top 20 changes over time.

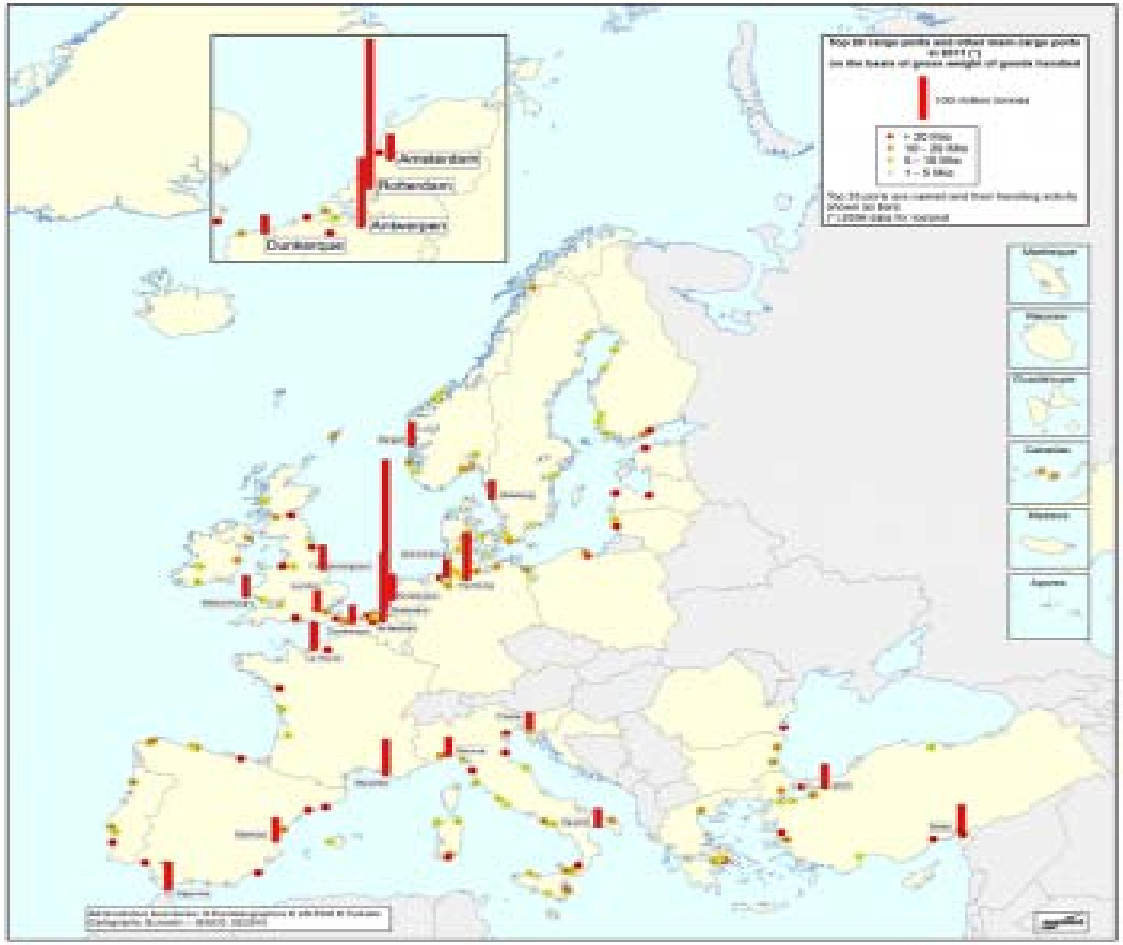
Source: Eurostat

Gross weight of seaborne goods handled in all ports (in million tonnes) 1997-2011

	1997	2004	2005	2006	2007	2008	2009	2010	2011			Growth rate 2010-2011 (%)
	Total	Total	Total	Total	Total	Total	Total	Total	Inwards	Outwards	Total	
EU-27	:	3 570.2	3 718.7	3 836.0	3 937.5	3 918.7	3 445.5	3 645.6	2 315.9	1 390.6	3 706.4	+1.7%
EEA-IS+HR+TR	:	:	:	:	:	4 446.5	3 945.4	4 203.1	2 587.2	1 699.1	4 286.3	+2.0%
BE	161.6	187.9	206.5	218.9	236.3	243.8	203.4	228.2	129.7	103.1	232.8	+2.0%
BG	:	23.1	24.8	27.5	24.9	26.6	21.9	22.9	13.0	12.1	25.2	+9.8%
DK	124.0	100.4	99.7	107.7	109.7	106.1	90.6	87.1	52.6	40.0	92.6	+6.4%
DE	213.3	271.9	284.9	302.8	315.1	320.6	262.9	276.0	180.3	115.8	296.0	+7.3%
EE	:	44.8	46.5	50.0	45.0	36.2	38.5	46.0	13.2	35.3	48.5	+5.3%
IE	36.3	47.7	52.1	53.3	54.1	51.1	41.8	45.1	29.8	15.2	45.1	+0.0%
EL	101.3	157.9	151.3	159.4	164.3	152.5	135.4	129.1	78.3	57.0	135.3	+4.8%
ES	270.6	373.1	400.0	414.4	426.6	416.2	363.5	376.4	257.4	140.9	398.3	+5.8%
FR	305.1	334.0	341.5	350.3	346.8	352.0	315.5	313.6	222.2	100.0	322.3	+2.8%
IT	434.3	485.0	508.9	520.2	537.3	526.2	469.9	494.1	327.3	172.6	499.9	+1.2%
CY	:	6.8	7.3	7.7	7.5	8.0	6.8	7.0	5.5	1.1	6.6	-5.6%
LV	:	54.8	59.7	56.9	61.1	61.4	60.1	58.7	7.4	59.6	67.0	+14.2%
LT	:	25.8	26.1	27.2	29.3	36.4	34.3	37.9	16.0	26.6	42.7	+12.7%
MT	:	5.3	5.3	5.5	5.3	5.5	5.5	6.0	4.2	1.3	5.6	-7.1%
NL	402.2	440.7	460.9	477.2	507.5	530.4	483.1	538.7	386.2	105.5	491.7	-8.7%
PL	:	52.3	54.8	53.1	52.4	48.8	45.1	59.5	33.6	24.2	57.7	-3.0%
PT	54.7	59.1	65.3	66.9	68.2	65.3	61.7	66.0	43.0	24.5	67.5	+2.3%
RO	:	40.6	47.7	46.7	48.9	50.5	36.1	38.1	18.2	20.7	38.9	+2.1%
SI	:	12.1	12.6	15.5	15.9	16.6	13.4	14.6	11.6	4.6	16.2	+11.0%
FI	75.3	106.5	99.6	110.5	114.8	114.7	93.2	109.3	62.7	52.8	115.5	+5.6%
SE	149.9	167.4	178.1	180.5	185.1	187.8	161.8	179.6	95.9	85.8	181.6	+1.1%
UK	558.5	573.1	584.9	583.7	581.5	562.2	500.9	511.9	327.6	191.9	519.5	+1.5%
IS	:	5.3	5.7	5.9	:	:	:	:	:	:		:
NO	:	198.2	201.7	196.8	198.5	193.4	182.6	195.1	60.3	138.7	199.0	+2.0%
HR	:	25.2	26.2	26.3	30.1	29.2	23.4	24.3	13.3	8.6	21.9	-10.1%
TR	:	:	:	:	:	305.3	293.9	338.1	197.7	161.3	359.1	+6.2%

Source: Eurostat

Main European cargo ports in 2011 by gross weight of goods handled



Source: Eurostat

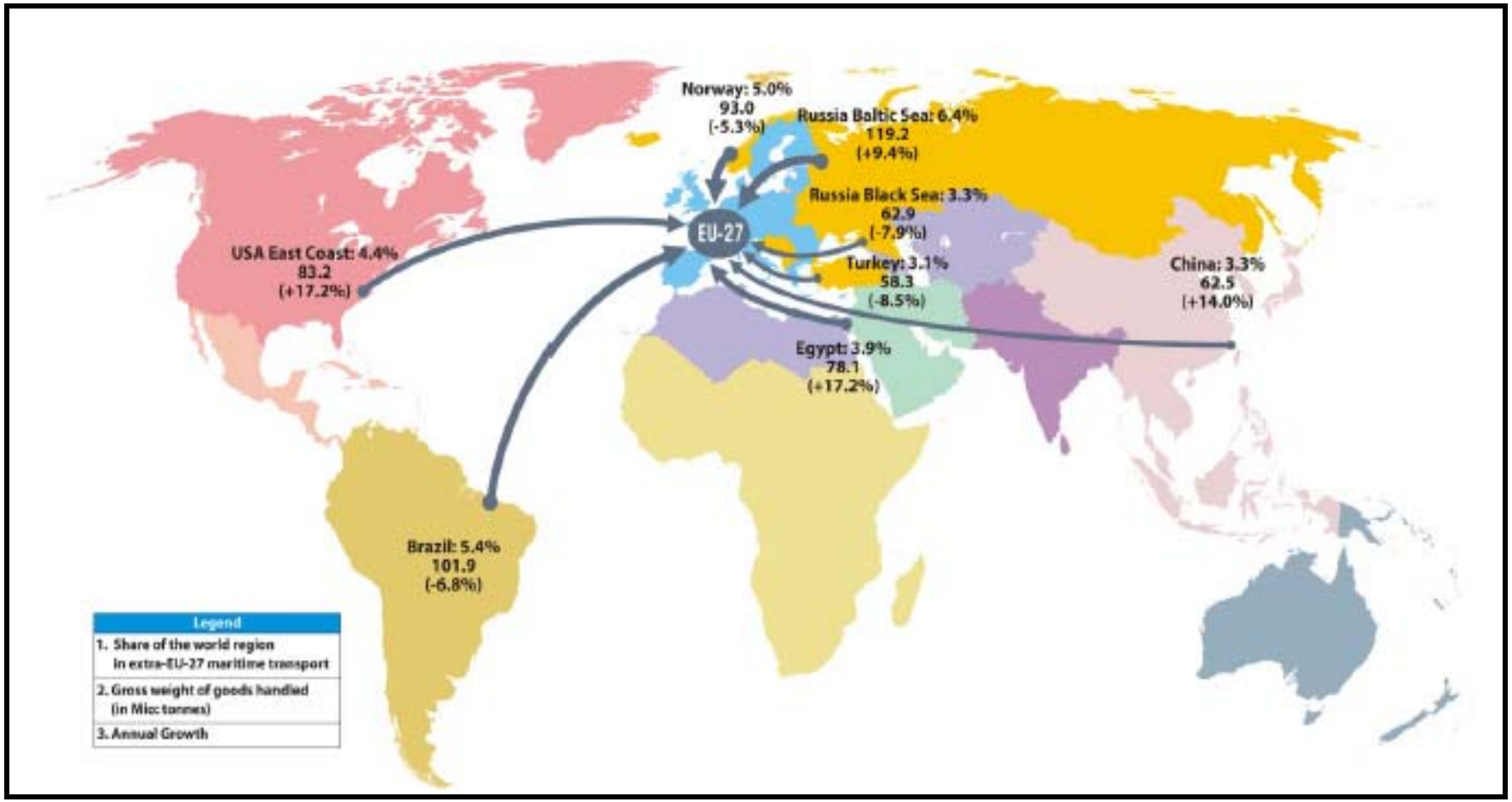
Top-20 container ports in 2010 - on the basis of volume of containers handled in (1 000 TEUs)

Rank 2011	Port	*	2004	2005	2006	2007	2008	2009	2010		2011		Growth rate 2010-2011 (%)	
			Total	Total	Total	Total	Total	Total	Total	of which empty	Total	of which empty	Total	of which empty
1	Rotterdam (NL)	=	8 242	9 195	9 575	10 773	10 631	9 579	11 017	984	14 730	1 129	+33.7%	+14.7%
2	Hamburg (DE)	+1	7 004	8 084	8 878	9 914	9 767	7 031	7 906	1 234	9 035	1 386	+14.3%	+12.3%
3	Antwerpen (BE) [2]	-1	5 055	6 221	6 718	7 879	8 379	7 014	8 144	1 120	8 317	1 031	+2.1%	-7.9%
4	Bremerhaven (DE)	=	3 501	3 696	4 479	4 884	5 451	4 552	4 858	501	5 911	754	+21.7%	+50.4%
5	Valencia (ES) [3]	=	2 156	2 415	2 615	3 049	3 606	3 654	4 211	945	4 338	952	+3.0%	+0.7%
6	Algeciras (ES) [3]	+2	970	3 184	3 262	3 420	3 298	2 953	2 777	472	3 584	769	+29.1%	+62.9%
7	Gioia Tauro (IT)	-1	3 170	3 123	2 835	3 464	3 165	2 725	3 897	465	3 307	367	-15.1%	-21.1%
8	Felixstowe (UK)	-1	2 717	2 760	3 030	3 342	3 131	3 021	3 415	915	3 249	829	-4.9%	-9.4%
9	Le Havre (FR)	=	2 158	2 144	2 119	2 685	2 512	2 257	2 369	377	2 222	353	-6.2%	-6.4%
10	Barcelona (ES) [3]	=	2 084	2 071	2 315	2 606	2 565	1 846	1 928	453	2 006	517	+4.0%	+14.2%
11	Piraeus (EL)	+7	1 551	1 401	1 413	1 384	437	667	850	195	1 681	290	+97.7%	+48.2%
12	Southampton (UK)	-1	1 435	1 384	1 502	1 905	1 617	1 385	1 567	447	1 591	472	+1.5%	+5.6%
13	Las Palmas (ES) [3]	+1	1 111	1 222	1 303	1 319	1 312	1 006	1 118	273	1 284	352	+14.9%	+29.0%
14	La Spezia (IT)	-1	879	916	1 086	1 130	1 186	840	1 181	170	1 205	203	+2.1%	+19.3%
15	Zeebrugge (BE)	-3	458	682	895	1 191	1 401	1 467	1 437	264	1 157	236	-19.4%	-10.5%
16	Marseille (FR)	-1	920	911	950	1 058	901	943	1 031	149	1 095	143	+6.2%	-3.8%
17	Göteborg (SE)	=	722	772	812	841	864	824	891	189	914	189	+2.5%	-0.3%
18	Genova (IT)	-2	1 437	1 038	1 146	1 230	1 462	1 311	1 020	14	910	0	-10.8%	-99.0%
19	London (GB)	=	966	765	743	858	983	646	733	219	737	249	+0.6%	+13.6%
20	Gdansk (PL)	+5	18	63	76	95	183	233	510	87	685	183	+34.3%	+110.2%
Total top 20 ports [4]		-	47 352	53 032	57 003	64 491	64 495	54 312	61 012	9 523	67 957	10 405	+11.4%	+9.3%
EEA-IS+HR (main ports)		-	61 616	69 463	74 400	83 858	82 922	70 408	78 333	13 737	87 286	14 948	+11.4%	+8.8%

* This column indicates the number of positions lost or gained compared to 2009
(1) TEU = Twenty-foot Equivalent Unit (unit of volume equivalent to a 20 foot ISO container).
(2) Partial data up to 2nd quarter 2004.
(3) Data for 2004 are underestimated
(4) Total figure for the ports being part of the top 20 ports during the reference year concerned

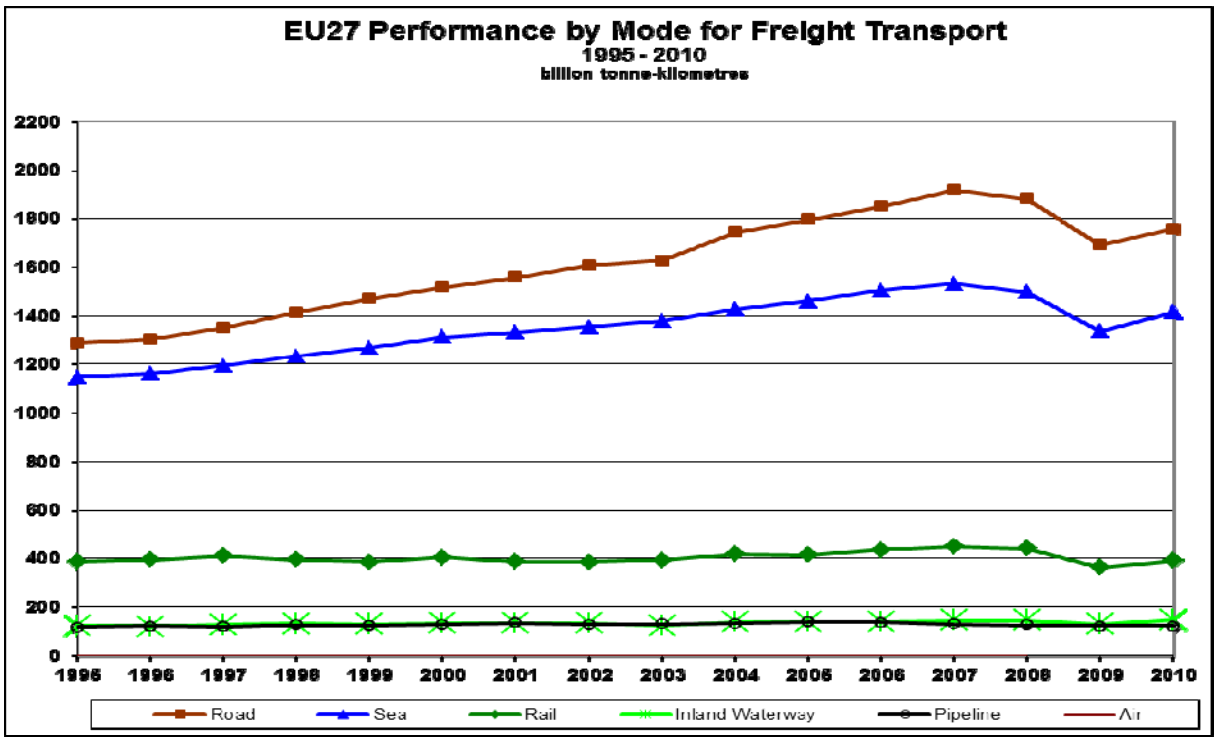
Source: Eurostat

Main Extra-EU 27 partner regions in 2011 by gross weight of goods handled



EU-27 Performance by mode for freight transport: 1995-2010

(source: European Commission, EU transport in figures, statistical pocketbook 2012)



Modal split (%): 1995-2010

(source: European Commission, EU transport in figures, statistical pocketbook 2012)[25]

	Road	Rail	Inland Water-ways	Pipe-lines	Sea	Air
1995	*42.1*	*12.6*	*4.0*	*3.8*	*37.5*	*0.1*
1996	*42.1*	*12.7*	*3.9*	*3.9*	*37.5*	*0.1*
1997	*42.2*	*12.8*	*4.0*	*3.7*	*37.3*	*0.1*
1998	*42.9*	*11.9*	*4.0*	*3.8*	*37.4*	*0.1*
1999	*43.5*	*11.4*	*3.8*	*3.7*	*37.6*	*0.1*
2000	*43.4*	*11.5*	*3.8*	*3.6*	*37.5*	*0.1*
2001	*43.9*	*10.9*	*3.7*	*3.8*	*37.6*	*0.1*
2002	*44.5*	*10.6*	*3.7*	*3.6*	*37.6*	*0.1*
2003	*44.5*	*10.7*	*3.4*	*3.6*	*37.7*	*0.1*
2004	*45.2*	*10.8*	*3.5*	*3.4*	*37.0*	*0.1*
2005	*45.5*	*10.5*	*3.5*	*3.5*	*37.0*	*0.1*
2006	*45.5*	*10.7*	*3.4*	*3.3*	*37.0*	*0.1*
2007	*45.9*	*10.7*	*3.5*	*3.1*	*36.7*	*0.1*
2008	*46.0*	*10.7*	*3.6*	*3.1*	*36.6*	*0.1*
2009	*46.5*	*9.9*	*3.6*	*3.3*	*36.7*	*0.1*
2010	*45.8*	*10.2*	*3.8*	*3.1*	*36.9*	*0.1*

[25] **Air** and **Sea:** only domestic and intra-EU-27 transport; provisional estimates;
Road: national and international haulage by vehicles registered in the EU-27

Relevance of intra-EU transport in total maritime transport by EU country[26] - 2010
(source: European Commission, EU transport in figures, statistical pocketbook 2012)

	INWARDS			OUTWARDS			TOTAL			
	Total inwards	of which: from EU	Share of EU in total	Total outwards	of which: to EU	Share of EU in total	TOTAL goods transported*	of which: to/from EU	Share of EU in total	
	million tonnes		(%)	million tonnes		(%)	million tonnes		(%)	
BE	125.561	43.266	34.5%	100.798	33.454	33.2%	226.333	76.695	33.9%	**BE**
BG	11.847	0.832	7.0%	11.099	3.610	32.5%	22.946	4.442	19.4%	**BG**
DK	42.919	30.707	71.5%	35.772	30.711	85.9%	73.648	56.375	76.5%	**DK**
DE	165.630	67.392	40.7%	102.985	43.640	42.4%	267.223	109.639	41.0%	**DE**
EE	10.364	6.956	67.1%	33.257	18.044	54.3%	43.599	24.979	57.3%	**EE**
IE	29.756	21.178	71.2%	14.186	12.572	88.6%	43.154	32.962	76.4%	**IE**
EL	59.741	26.588	44.5%	41.556	28.267	68.0%	88.284	41.842	47.4%	**EL**
ES	252.498	78.339	31.0%	123.893	59.067	47.7%	352.230	113.245	32.2%	**ES**
FR	211.197	63.407	30.0%	97.042	54.028	55.7%	301.175	110.372	36.6%	**FR**
IT	316.683	110.122	34.8%	165.559	109.812	66.3%	403.995	141.686	35.1%	**IT**
CY**	6.048	1.017	16.8%	0.906	0.284	31.3%	6.954	1.301	18.7%	**CY**
LV	5.060	3.690	72.9%	52.166	38.899	74.6%	57.060	42.423	74.3%	**LV**
LT	15.447	4.663	30.2%	22.422	13.718	61.2%	37.869	18.382	48.5%	**LT**
MT	3.601	2.588	71.9%	0.193	0.100	51.9%	3.795	2.689	70.9%	**MT**
NL	385.684	101.191	26.2%	152.031	74.173	48.8%	537.715	175.364	32.6%	**NL**
PL	28.459	15.689	55.1%	30.789	24.890	80.8%	58.881	40.212	68.3%	**PL**
PT	41.367	17.288	41.8%	22.603	13.865	61.3%	58.197	25.381	43.6%	**PT**
RO**	16.191	1.392	8.6%	20.337	6.447	31.7%	36.528	7.840	21.5%	**RO**
SI	10.341	2.835	27.4%	4.250	1.325	31.2%	14.591	4.160	28.5%	**SI**
FI	56.056	36.571	65.2%	48.465	42.226	87.1%	98.579	72.854	73.9%	**FI**
SE	87.679	62.508	71.3%	77.510	65.972	85.1%	161.007	124.297	77.2%	**SE**
UK	304.418	166.532	54.7%	194.070	149.069	76.8%	454.743	271.855	59.8%	**UK**

*: The total goods transported data may be less than the sum of inward and outward traffic due to the double counting of tonnes moved within the same country.

**: The share of intra-EU in total maritime transport may be underestimated in this table for CY and RO because a significant share of partner ports are "unknown" and hence cannot be attributed to any geographical area.

[26] Data from main ports only (ports handling more than 1 million tonnes per year).

Main Routes in Intra-EU Maritime Transport[27] - 2010

(source: European Commission, EU transport in figures, statistical pocketbook 2012)

	Country of loading port	Country of unloading port	million tonnes transported
1	ITALY	ITALY	87.227
2	UNITED KINGDOM	UNITED KINGDOM	71.324
3	UNITED KINGDOM	NETHERLANDS	46.347
4	SPAIN	SPAIN	40.862
5	NETHERLANDS	UNITED KINGDOM	30.983
6	FRANCE	UNITED KINGDOM	25.700
7	UNITED KINGDOM	FRANCE	25.697
8	SWEDEN	GERMANY	22.318
9	GREECE	GREECE	22.243
10	GERMANY	SWEDEN	20.021
11	SWEDEN	SWEDEN	18.336
12	FRANCE	FRANCE	18.071
13	DENMARK	DENMARK	14.831
14	BELGIUM	UNITED KINGDOM	14.654
15	DENMARK	SWEDEN	13.292
16	UNITED KINGDOM	BELGIUM	12.968
17	UNITED KINGDOM	GERMANY	12.698
18	SWEDEN	UNITED KINGDOM	12.287
19	ITALY	SPAIN	12.210
20	UNITED KINGDOM	IRELAND	11.560
21	LATVIA	NETHERLANDS	11.224
22	SWEDEN	FINLAND	10.847
23	NORWAY	UNITED KINGDOM	10.720
24	FINLAND	GERMANY	9.395
25	SPAIN	ITALY	8.180
26	FINLAND	FINLAND	8.005
27	NETHERLANDS	GERMANY	7.779
28	SWEDEN	DENMARK	7.768
29	FRANCE	SPAIN	7.218
30	FINLAND	SWEDEN	7.091

[27] Data from main ports only (ports handling more than 1 million tonnes per year); the tonnes have been calculated by taking the declarations of the unloading ports (inward declarations) and adding those outward declarations of partner ports for which the inward declarations were missing.

The Maritime Statistics Directive is a piece of European Union legislation passed in December 1995 Council Directive 96/64/EC which requires Member States to supply to the Statistical Office of the European Communities (Eurostat) information relating to freight traffic, vessels and passenger traffic through ports throughout the European Union. The data collected under the directive are used by the European Commission to assist in policy development at a European level and to monitor the impact of European policy measures. The Annexes to this Directive specify the data to be gathered with regard to goods, passengers, vessels and ports. The Directive also provides the cargo classification (see below), the statistical transport nomenclature and the geo-nomenclature to be used to identify the maritime coastal areas and the nationality, type and size of vessels. The data collected allows Eurostat to examine periodically the latest trends in freight and passenger transport in European Union (EU) ports. The work is closely related to the monitoring the EU external trade of goods, intra-EU freight exchanges and transport services for sea passengers.

Classification of port freight traffic for the EC Directive on statistical returns in respect of the carriage of goods and passengers by sea (2009/42/EC)

▼M3

ANNEX II

Type of cargo classification

Category (1)	Code 1 digit	Code 2 digits	Description	Tonnage	Number of units
Liquid bulk	1	1X	Liquid bulk goods (no cargo unit)	X	
		11	Liquefied gas	X	
		12	Crude oil	X	
		13	Oil products	X	
		19	Other liquid bulk goods	X	
Dry bulk	2	2X	Dry bulk goods (no cargo unit)	X	
		21	Ores	X	
		22	Coal	X	
		23	Agricultural products (e.g. grain, soya, tapioca)	X	
		29	Other dry bulk goods	X	
Containers	3	3X	Large containers	X (2)	X
		31	20 ft freight units	X (2)	X
		32	40 ft freight units	X (2)	X
		33	Freight units > 20 ft and < 40 ft	X (2)	X
		34	Freight units > 40 ft	X (2)	X
Roll on roll off (self-propelled)	5	5X	Mobile self-propelled units	X	X
		51	Road goods vehicles and accompanying trailers	X (2)	X
		52	Passenger cars, motorcycles and accompanying trailers/caravans		X (3)
		53	Passenger buses		X (3)
		54	Trade vehicles (including import/export motor vehicles)	X	X (3)
		56	Live animals on the hoof	X	X (3)
		59	Other mobile self-propelled units	X	X
Roll on roll off (non-self-propelled)	6	6X	Mobile non-self-propelled units	X	X
		61	Unaccompanied road goods trailers and semi-trailers	X (2)	X
		62	Unaccompanied caravans and other road, agricultural and industrial vehicles	X	X (3)
		64	Rail wagons engaged in goods transport	X (2)	X
		65	Shipborne port-to-port trailers engaged in goods transport	X (2)	X
		66	Shipborne barges engaged in goods transport	X (2)	X
		69	Other mobile non-self-propelled units	X	X
Other general cargo (including small containers)	9	9X	Other cargo, not elsewhere specified	X	
		91	Forestry products	X	
		92	Iron and steel products	X	
		99	Other general cargo	X	

▼M3

Supplement to the type of cargo classification for ro-ro containers

Category (1)	Code 1 digit	Code 2 digits	Description	Tonnage	Number of units
Large Ro-Ro Containers	R	RX	Large Ro-Ro containers		X
		R1	20 ft freight units		X
		R2	40 ft freight units		X
		R3	Freight units > 20 ft and < 40 ft		X
		R4	Freight units > 40 ft		X

(1) These categories are consistent with United Nations ECE Recommendation No 21.
(2) The quantity recorded is the gross weight of the goods including packaging but excluding the tare weight of containers and Ro-Ro units.
(3) Only total number of units.

ANNEX IV:

The EU Ports Policy: an ex-post evaluation

Communication on a European Ports Policy, COM/2007/0616 final of 18 October

1. Declared objectives and progress achieved

In 2007, after extensive consultation with stakeholders, the Commission adopted a Communication defining its ports policy[28]. The problems identified by the Commission at the time related to

a) threats on port performance and hinterland connections,

b) expanding capacity while respecting the environment,

c) modernisation of ports,

d) absence of clarity for investors, operators and users and

e) port labour issues.

One of the main objectives of the Communication was to announce that the obstacles to the modernisation of ports to improve their performance would be addressed by means of "soft" measures, namely guidelines, and close cooperation and dialogue with stakeholders. The Communication presented the action plan for the Commission in that regard.

In summary, the evaluation of the Commission on the progress achieved in the last six years (2007-2013) can be summarised as follows:

The problems last identified in 2007[29] remain largely unsolved. Very few of the envisaged measures were adopted. The main development has been the adoption of the proposal for the new TEN-T Guidelines and Connecting Europe Facility, both of which foresee substantial funding support for ports.

The Commission has not delivered two key announced measures: State Aid Guidelines for ports (see point 3 below) and application of the Public Funding Financial Transparency Directive to ports.

The Commission has adopted a draft Directive on Concessions, which would apply to different economic sectors, including ports. In the particular case of ports, the draft directive deviates from the line announced in the 2007 Communication (see point 2 below).

The European Court of Auditors (2012) has revealed systemic problems regarding strategic planning and allocation of public resources for ports infrastructural projects.

Substantial reforms in the port sector have required in Member States under the Conditional Assistance Programmes (Greece, Portugal and Ireland)[30].

[28] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0616:EN:HTML:NOT

[29] Cf. last revision of the EU Ports Policy, COM(2007)

[30] See DG ECFIN web-site and IMF reports on the Conditional Assistance Programmes

At the same time, reduction of budgetary deficits, austerity measures and consequential constraints in public funding possibilities have reduced significantly resources for maintaining, operating an/or expanding port facilities in many Member States. Attracting private investment to sustain the operational capacity of the European port system is already a crucial necessity.

Contrary to expectations, the development of intra-EU maritime transport connections supporting internal market exchanges has stagnated. Inter-modality objectives have been largely missed. This mainly due to a lack of efficiency, high costs and excess of bureaucracy in too many EU ports.

2. The issue of concession rules in the European port sector

The relevant case-law of the Court of Justice ("Telaustria", *Case C-324/98)* has pointed out that, when Member States grant service concessions, public authorities are bound by an obligation of transparency implying that their initiative is adequately advertised, that the procedure is fair and non-discriminatory and that it can be reviewed.

Such obligation of transparency consists in ensuring, for the benefit of any potential tenderer, a degree of advertising sufficient to enable the concession to be opened up to competition and the impartiality of the selection procedure to be reviewed .

The obligation fully applies to the port sector. However, as in many other sectors, concession award regimes in the EU Port Sector are often unclear or – in case of services concession - non-existent.

In 2012, the Commission proposed a draft directive on concessions covering all sectors, including the port sector. The draft Directive will impose the recourse to public tendering procedure to select companies operating work or service concessions.

The draft is still being examined in the normal legislative procedure by the European Parliament and Council. According to the assessment made by the Commission when preparing the proposal[31], the absence of clear rules at EU level and in many cases at national level governing the award of concession contracts gives rise to obstacles to the free provision of services and causes distortions in the functioning of the Internal Market.

As a result, EU citizens do not benefit from quality services at best prices, economic operators (in particular SMEs) are being deprived of their rights within the Internal Market and miss out on important business opportunities, and contracting authorities and entities may fail to manage public resources on a sound financial basis.

In the 2007 Ports Policy Communication, the Commission considered that the obligation of transparency applies when Member States' authorities decide to entrust a third party with a portion of port land for the provision of cargo-handling services, i.e. public authorities should respect it when granting lease-land contracts to commercial operators.

However, the draft Directive on concessions would exclude lease-land contracts from its scope, creating a de-facto legal vacuum for this type of arrangements in European ports: public lease-

[31] See http://ec.europa.eu/internal_market/publicprocurement/docs/concessions/SEC2011_1588_en.pdf

land contracts in favour of particular operators in some ports will not be affected the obligation of transparency.

In fact, the draft Directive on concessions would apply only to concessions whereby the substantial operating risk is transferred to the concessionaire. It covers just one particular type of concession used in European Ports. Other types of acts, such as authorisations, licences or lease agreements of port land and installations often practised in ports will fall outside the scope of the Directive[32] (see recital 6 of the draft proposal). This situation threatens to create a double standard for European ports: certain Ports will have to use a public tendering procedure to select port service operators while others will not and will stay free to foreclose the market.

Stakeholders expressed criticisms against the proposal arguing that it would aggravate legal uncertainty instead of solving it. It should be noted that similar criticisms were expressed in 2001 and 2004 at the occasion of the "port packages" I and II which included provisions requiring public authorities to follow a public tendering procedure when granting authorisations, by means of concessions or any other type of contracts" to port operators. Another criticism is that following a tendering procedure when granting a contract to an operator leads to increased bureaucracy.

3. The issue of State Aid rules in the port sector

The first complaints about unfair competition between European ports because of State funding appeared[33] in the late 1970s. Since then, the request for clarification on how the Commission applies the State Aid rules to the public funding of port infrastructures (request for publishing State Aid Guidelines) has been a constant request of the sector.

The problem of distortion of competition because of State Aid has been largely recognised by the Commission, in 1997 (Green Paper on seaports and maritime infrastructure), in 2001 and 2005 (proposals for a Directive on market access to port services) and 2007 (latest Communication on Ports Policy). In all those occasions, the Commission declared its intention to adopt State Aid Guidelines. To date, this commitment has not been fulfilled.

For many years, the Commission position was that public funding of general transport infrastructures did not involve State Aid. In fact, significant funding support to the developments of ports has been provided by the Commission itself by means of the Structural and Cohesion Funds and by the TEN-T funds. The Connecting Europe Facility foresees further substantial support to ports and port connections in Europe.

In 2007, the Commission stated that "*Although it cannot be said that there is competition between all ports in all cases, competition between some of them, and competition inside ports can be significant and calls for a level-playing field. In this respect, one of the issues to be addressed is public financing to ports. The Commission will establish a general legal framework as port stakeholders are requesting. Clarity in financing will also be an incentive for port investment*"[34]

[32] A "whereas" in the draft Directive clarifies this point

[33] An illustrative example appears in the written question nr 1075/79 by Mr Gendebien to the Commission: coordination of the development of North Sea Ports, *OJ C 105, 28.4.1980, p. 11*

[34] COM(2007)616 Communication on a European Ports Policy

Since then, the Commission's position has evolved and, confirmed by the Court of Justice, it is now of the view that State aid distorting or threatening to distort competition in the internal market, is involved in the public funding of general transport infrastructures, including airports and seaports.

For the time being, the Commission does not intend to adopt particular guidelines for State Aid to ports. The case law from the Court of Justice on state aid to infrastructure has recently clarified certain issues (the case T-443/08 "Leipzig-Halle"), in particular that public financing of the construction of (airport) infrastructure constitutes State aid. The only exception concerns certain activities that are part of the exercise of public powers (security, police, etc). This judgement requires careful reflections for all sectors with heavy infrastructures like transport and which go beyond ports.

The Commission is now working on the modernisation of State Aid rules for all economic sectors. It will streamline procedures and better explain rules and concepts, including a clarification of the notion of state aid for infrastructures, later on in 2013.

The 2012 public consultation has confirmed that the current state of play is unsatisfactory for the Member States Transport administrations, port authorities and other stakeholders. All of them require to the Commission to provide legal certainty and a playing level field ensuring fair competition for ports in Europe.

4. Historical evolution of the EU ports' policy: from 1997 Green Paper to 2012 Single Market Act II Priority

The first attempt by the Commission to move towards a coherent policy on ports and maritime infrastructures was made in 1997, with the publication of a Green paper on that subject.

In 2001, following the Green Paper consultation the Commission issued a Communication on reinforcing quality service in sea-ports and proposed a Directive on market access to port services (port package I). The Commission proposal was rejected by the European Parliament in 2003.

In 2004, the Commission adopted a second proposal for a directive on market access to port services (port package II). The proposal was withdrawn by the Commission in 2006.

In 2007, after two years of consultation with stakeholders, the Commission adopted a Communication on ports policy, announcing a number of "soft" measures in the form of guidelines (state aids, environment), best practices (benchmarking, indicators) and close cooperation and dialogue with stakeholders.

Between 2001 and 2008, the situation of port labour in the EU Member States changed substantially: Some Member States like Germany, Finland, France or Spain have undertaken reforms of their respective port labour sectors (of different degree and scope though).

In 2011, in the context of the structural adjustments required by the Conditional Assistance Programme to Member States in financial difficulties, a radical reform of the ports regulatory regimes, inter alia of the port labour regimes, has been implemented in Greece and Portugal.

In 2012, in the context of the measures proposed in the Single Market Act II, the Commission identified the need to act in ports as follows:

"The Commission therefore also works on enhancing the efficiency and overall quality of port services, addressing questions of the obligations of Member States regarding the sound planning of ports and hinterland connections, transparency of public funding and port charges, and administrative simplification efforts in ports, and reviewing restrictions on the provision of services at ports"

ANNEX V:

Public Consultation - Summary of stakeholders' positions

This annex explains the public consultation procedure and summarises the results of the 1st and 2nd phase of the targeted stakeholder surveys together with the input received during bilateral meetings DG MOVE has had with the individual stakeholders.

Due to the technical nature of the file (inter alia, issues related to performance of ports, port technical services, hinterland connectivity, governance structures, port infrastructure charges, funding of port investments or public service obligations in ports), DG MOVE decided to carry out an intensive targeted sectoral public consultation, and not a full public consultation open to the wider public. Indeed, in first instance only workers and businesses active in the port sector would be affected by this initiative, and the broader public would only be indirectly affected, as port economics are of a derived nature. By performing an intensive targeted consultation, the policy discussion could be more technical in nature, and has nevertheless in no way excluded or prevented any party concerned from participating.

A. Public consultation procedure

The milestones of the public consultation procedure were:

3rd quarter 2011	Informal meeting of DG MOVE with the authorities in charge of ports policy in the 22 maritime Member States: discussion of the Transport White Paper measures and possible follow-up in the port sector CommissionVice-president Siim Kallas public announcement of the COM intention to review the EU Ports Policy in 2013.
4th quarter 2011	First round of bilateral contacts with main EU associations in the port sector
1st quarter 2012	Launching of the procedure for the establishment of the European social dialogue committee in the port sector (ESPO, ETF Dockers, FEPORT and IDC) Launching of the Study on EU Port Labour Regimes (Porf Van Hoydoonk, University of Ghent, College of Europe) – Start of the survey addressed to the 22 EU Member States, labour unions and industry associations regarding port labour, health and safety and training and qualifications of dockers in the EU. Launching of the study supporting the impact assessment on "measures to enhance the efficiency and quality of port services in the EU (PricewaterhouseCoopers in partnership with Panteia). Start of the first public on-line survey.
2nd quarter 2012	Data collection for the port labour study and conduct of the on-line survey on the efficiency and quality of TEN-T port services. Preparation of the conference on the future of the EU Ports Policy. Round of visits to major EU Ports and discussions with port authorities
3rd quarter 2012	EU conference on the future of the EU Ports Policy. Presentation of results of the first survey on quality and efficiency of EU ports and of the preliminary conclusions of the Port Labour Study See: http://www.portsconference2012.eu/home.html

4rd quarter 2012	Reception and review of comments and position papers from stakeholders Second round of bilateral contacts with EU associations in the port sector Follow up of the procedure for the establishment of the social dialogue committee Launching of the second public on-line survey for evaluation of possible policy measures and likely impacts of those measures
1st quarter 2013	Public hearing in Brussels, with all interested parties, presenting the results of the on-line surveys and of DG MOVE preliminary views on possible policy measures. Informal contacts with social partners, industry, Member States administrations and port authorities. Finalisation of the study on port labour
Pending	Presentation and discussion of the study on port labour with social partners Publication of impact assessment study

Criticisms on the on-line survey and position papers by the trade unions

The preparation of the on-line survey has involved contacts with stakeholders, including the representatives of the trade unions. They have expressed criticism about the questions - drafted by PwC / Panteia in collaboration with the Commission services - regarding aspects of quality and efficiency of ports connected (directly or indirectly) with port work issues.

The participation of national trade unions in the two on-line surveys has been low (the trade unions rejected the approach chosen by the consultants and the Commission). Instead of answering the questions in the survey, the trade unions at European level (IDC and ETF dockers) have expressed their views in position papers and manifests adopted in different ports. Both IDC and ETF participated actively in the Ports Conference (Sept 2012) and in the Public Hearing (January 2013). The joint press release of IDC and ETF in the consultation process can be retrieved at: http://www.itfglobal.org/etf/etf-press-area.cfm/pressdetail/8457

B. Summary of stakeholders' positions

The following presentation follows the order of the issues proposed for discussion at the Public Hearing (January 2013) that closed the public consultation exercise.

1. Challenges

The Commission concludes the following for what concerns the challenges to be tackled:

1. All stakeholders stressed the **need for a stable and fair level playing field both for inter-ports** (competition between ports) **and intra-port** (competition between providers of a same port service within a port) **competition in the EU**. The need for legal certainty and a business friendly environment with as less administrative burden as possible is a priority for all stakeholders, such as Member States, port authorities, terminal operators or the shipping sector, logistic operators and cargo interests.
2. There is **a major concern about unfair competition between ports linked to public funding practices of port infrastructures**. Member States and port authorities request a tight control of state aid through the adoption of state aid guidelines for the port sector and highlight that the public funding transparency requirements of the existing

Commission Directive 2006/111/EC is not sufficient as it does not apply necessarily in the sector.

3. The European Court of Auditors has revealed in 2012 **serious problems in the use and effectiveness of EU Regional funds for funding port infrastructures**. The root causes are systemic: lack of strategic planning and of economic rationality criteria in the allocation of resources.

4. **A majority of the users of port services**, shipping companies and export-import industries**, consider that port services in many EU ports are not satisfactory in terms of price, quality and administrative burden**. In the ports of the core TEN-T network, around half of the users surveyed (shipping lines) consider that there are specific challenges in terms of price or quality with cargo handling (48% complain), pilotage (54% complain) and towage (49% complain). A smaller percentage ranging from 17% to 25% sees similar problems for other services such as mooring, bunkering, dredging, passenger services or waste management.

5. **30% of European port authorities do not consider that the current situation is satisfactory.** However, the majority of them oppose the introduction of EU procedures limiting the capacities of public authorities for granting contracts and permissions through direct award to operators of port services. Applying detailed concession rules to certain contracts granted by public authorities in ports is highly controversial in certain Member States.

6. **Port workers trade unions extremely oppose any EU provision touching on the existing port labour regimes** in certain Member States, in particular in Mediterranean Member States.

7. Representatives of pilotage services argue that **pilotage, although provided against remuneration, is not an economic service** and should be excluded from competitive pressure.

8. **All stakeholders agree that the EU port system has to evolve and adapt to significant challenges in terms of scarce funding resources, competitiveness in respect of ports in neighbouring third countries and other world regions, creation of added value and jobs and environmental impacts.**

9. All stakeholders agree on the importance to secure and, if possible, increase, EU **funding** expenditure for supporting ports and maritime transport.

2. Results per service (quantitative results of the questionnaire)

10. The survey shows that a large proportion of the users of port services (shipping companies, terminal operators and port authorities) consider that port services in many EU ports are not satisfactory in terms of price, quality and administrative burden. In the ports of the core TEN-T network, around half of the users surveyed (shipping lines) consider that there are specific challenges (especially in terms of price) with cargo handling (48% complain), pilotage (54% complain) and towage (49% complain). A smaller percentage ranging from 17% to 25% sees similar problems for other services such as mooring, bunkering, dredging, passenger services or waste management.

Overview of respondents (USERS) that indicate there is a problem with a given service:

CORE	Port Auth.	Terminals	Shipping L.	**COMPREH**	Port Auth.	Terminals	Shipping L.
Pilotage	45%	48%	54%	Pilotage	21%	17%	25%
Towage	35%	43%	49%	Towage	31%	67%	0%
Mooring	19%	23%	27%	Mooring	21%	17%	0%
Dredging	29%	29%	24%	Dredging	33%	33%	0%
Bunkering	14%	17%	28%	Bunkering	25%	17%	25%
Cargo	20%	N/A	48%	Cargo	46%	N/A	33%
Passengers	16%	N/A	38%	Passengers	17%	N/A	67%
Waste rec.	18%	18%	15%	Waste rec.	9%	17%	25%

	Pilotage	Towage	Mooring	Dredging	Bunkering	Cargo	Passengers	Waste reception
Core	50%	44%	24%	27%	22%	30%	23%	17%
Comprehensive	21%	35%	17%	27%	23%	42%	30%	14%
Total	45%	42%	22%	29%	22%	29%	25%	17%

3. Objectives

On the basis of the 2nd phase of the targeted stakeholder consultation and the public hearing, the Commission concludes that a majority of stakeholders did not question the Commission's analysis of the challenges that EU ports have to face with related to the objectives of the port initiative. These objectives have been identified as the following:

Scenario 2020-2030

11. Maritime trade and port activities are likely to remain weak in the medium term (2014-2018), with a possible overcapacity on certain segments. Forecasts predict return to steady port traffic growth towards 2020, but with changes in volumes and types of cargoes, size, design and propulsion systems of ships, cargo-handling and logistic technologies and ICT developments having huge impact on ports. Ports failing to modernise could be left behind.

12. Sea-trade growth is a necessity for Europe's economic recovery and the development of short-sea-shipping is needed as part of intermodal transport solutions offering alternatives to road transport and contributing to sustainable transport. However, ports risk not fully

playing their role in the supply chain because of poor network integration, problems of congestion and decline of short sea shipping in face of strong competition from road transport (leading to congestion and saturated intra-EU land corridors).

13. Further developing the efficiency of the gateway function of ports will require: (a) better connections with the hinterland; (b) improvement of the use of existing capacities by increasing port performance and (c) provision of new port infrastructure.

14. In respect to (a), the new EU guidelines for developing the TEN-T and the Connecting Europe Facility will help Member States to improve the connections with the hinterland. Addressing the two other challenges (b) and (c) would require a framework that encourages the modernisation of ports procedures and services and can better attract capital investments and human resources to ports.

European dimension

15. Those challenges are a matter of concern for national regional and local authorities. But they are also transnational by nature when it comes down to TEN-T ports, both the core network ports and the comprehensive ports, as part of an efficient hub-and-spoke system. Unfair practices in a port may harm neighbouring competing ports and/or the business opportunities of port service operators of other Member States. Better port performance in other Member States can further facilitate intra-EU trade with them and reduce the negative externalities on its own network (e.g. congestion).

Modernisation of ports, attracting investments

16. By optimising business processes and simplifying administrative procedures, TEN-T ports could handle more ships, cargo and/or passengers with the same infrastructure. By further improving the reliability, flexibility and efficiency of port services, they could also accommodate more short-sea shipping traffic. The completion of the Single Market for ports will provide a fair level playing field thus unleashing port modernisation dynamics.

17. This however cannot happen with unjustified market entry barriers, unnecessary administrative burden and unclear rules governing the provision of services, in particular those provided under exclusive or special rights granted to particular operators. Legal uncertainties are a source of discomfort both for incumbent operators and for new operators willing to enter their markets. Modernisation of ports, investment flows and creation of new businesses and employment are therefore handicapped.

18. Investments in port infrastructure, terminal operations and connectivity of ports are of crucial importance to maintain EU port performance levels. Overall funding needs for ports (infrastructures, equipment and connections) could easily exceed € 100 billion in the next 20 years. Meanwhile, public funding is drying up. Inevitably public investments will have to be better optimised (see the report of the European Court of Auditors 2012[35]) and private investments encouraged (ports are part of a long-term growth sector).

19. Transparency in the use of public funds and the need for a level playing field for inter-port competition is a repeated concern for all stakeholders. They seem to see transparency

[35]See http://eca.europa.eu/portal/pls/portal/docs/1/14050737.PDF

as a way to ensure the correct allocation of public resources and reduce the risk of State aid incompatible with the internal market. This is not surprising since some 30-40% of the ports of the core network do not fall in the scope of Directive 2006/111 on the transparency of the financial relations between public authorities and public undertakings. Moreover, without separation of accounts (statutory vs. commercial activities) port authorities operating specific port services can cross-subsidise the activities related to port services in a non-transparent way and thus disrupt the level playing field.

20. Furthermore, ports are not always allowed to define their own infrastructure charging policy. Charges for the use of infrastructure are not always linked to real costs and may not contribute to an efficient allocation of resources to finance the maintenance and/or construction of infrastructure. Lack of transparency in the setting of charges may lead to unjustified discrimination. Price signals rarely incentivise users to take into account their external costs (e.g. environmental costs). Moreover, in a period of faltering economy and overcapacity in certain market segments, there is an increased risk of unfair inter-port and intra-port competition.

21. In addition, lack of coordination of public investments in port capacities, even within the same Member State, may lead to duplication of facilities, waste of funding resources or higher uncertainties related to the social and economic returns of investments. Such situation is also detrimental for encouraging Public-Private Partnerships agreements.

Creating new jobs

22. Finally, port growth, investments and jobs come together. European ports represent an opportunity to generate employment and create new, quality jobs, both inside and outside the port, ranging from vehicle drivers and crane operators to ICT specialists and commercial executives. Successful ports attract industrial and commercial firms; marine services generate high-end employment. The quality of the social relationships, of the working environment and of the human resources policies are key factors for the development of TEN-T ports.

4. Measures

On the basis of the 2nd phase of the targeted stakeholder consultation and the public hearing, the Commission draws the following conclusions related to possible interventions:

Fair market access

23. Apart from the net position of port service providers, which is strongly adverse, stakeholders' responses denote a **shared approval towards the possibility to opening the market up for greater competition**. At least 80% of port users seem very keen to support this measure. 40% of MSs and port authorities understand the need for assuring that their operations are transparent and in line with the need for port services to be provided efficiently and effectively, but are less interested in further regulation going beyond transparency.

Avoid abuses arising from exclusive /special rights

24. Wide **consensus is found with regard to the need for port authorities to set transparent, non-discriminatory and proportionate charges for the provided services, when acting as service providers**.

25. **Stakeholders express concerns when port services are provided in a monopolistic regime** (direct award or in-house operation). The need to set charges following non-discrimination, proportionality and transparency principles was recognised by all stakeholder groups as a core element for the port service market to be enhanced. A soft approach is much preferred, as it is considered essential to adapt the measure to local specificities and contexts.

Administrative simplification and intra-port coordination

26. An administrative simplification action plan would comprise the centralisation of coordination activities by port managing bodies. Port authorities/port managers (77%) support this measure much more than port service providers (23%), who would like to be more involved in port coordination activities; 91% of port users also find this a good idea.

27. Coordination mechanisms could be regarded as a weakness across EU ports. **Respondents showed strong interest in having such mechanisms improved.** In particular, port users and port service providers claim it is a core element that needs to be regulated. Synthetically, having **an entity coordinating various service providers is required by most respondent**s, with the exception of terminal operators (only 36%), who show little interest.

28. When considering the possibility to introduce a port users' committee, port service providers (95%) and port users (88%) are very supportive, while MSs and ports are less supportive (23%). It seems that port service providers would like to have a role in coordinating activities – together with authorities, while others (mainly port authorities and port managers) are less keen to see coordination activities delegated, as they see these activities as being their responsibility.

Financial Transparency of public funding

29. **Port users are almost unanimous in supporting whatever measure increases financial transparency**. On the contrary, the other stakeholders are much more sensitive and express their distinct support or concern depending on the way transparency is to be achieved.

30. When considering the unbundling of the port authority dimensions – managing body and service provider – port service providers (89%), terminal operators (71%) and port users (94%) are very supportive. In line with expectations, only 34% of MSs and port authorities are much less supportive, since port authorities/port managers would be forced to limit their presence in the market, even in natural monopolistic situations, where competition would be inefficient or cannot be guaranteed.

Port Infrastructure Charging

31. While stakeholders where not explicitly asked about this, this is part of the **Commission's horizontal strategy on infrastructure charging, adopted since 2008**. The strategy is designed in order to have fair intermodal competition and to ensure that

all infrastructure users are paying the correct price (at least the marginal cost – with a possibility to also contribute to the total investment costs). This strategy also foresees in the advice to differentiate the charge according to environmental performance of the vehicle/vessel in line with the polluter pays strategy.

32. Respondents have expressed wide support for the freedom to set the price of these charges and the need to make sure that these charges can take into account local circumstances and considerations.

33. Respondents have expressed their concerns about the rise of administrative costs related to the setting up of new and more complex procedures for the calculation of charges in line with transparency, proportionality, etc. principles. Moreover the publication of prices and calculation methods for port access infrastructure charges needs a certain amount of work to be done by administrative personnel, contributing to increased administrative costs.

ANNEX VI:

Relative performance of TEN-T Core: efficiency vs. competitive pressure

(a proxy model by PWC/NEA, 2013)

There are no universally accepted benchmarks or formulae to define port or port system performance or its attractiveness to users. Nevertheless performance gaps are perceived by users, so this section sets out some empirical findings. In certain contexts, performance tends to be equated with throughput or turnover, in other cases with operational efficiency, but in a policy context it is more appropriate to consider the relationships between investment, management, market forces and institutional factors, analysing the extent to which any given port is achieving its full potential.

1. WEF Global Competitiveness Survey

One indication is given by the World Economic Forum Global Competitiveness Report 2012-2013 which surveys executive opinions on a range of economic development topics including infrastructure.

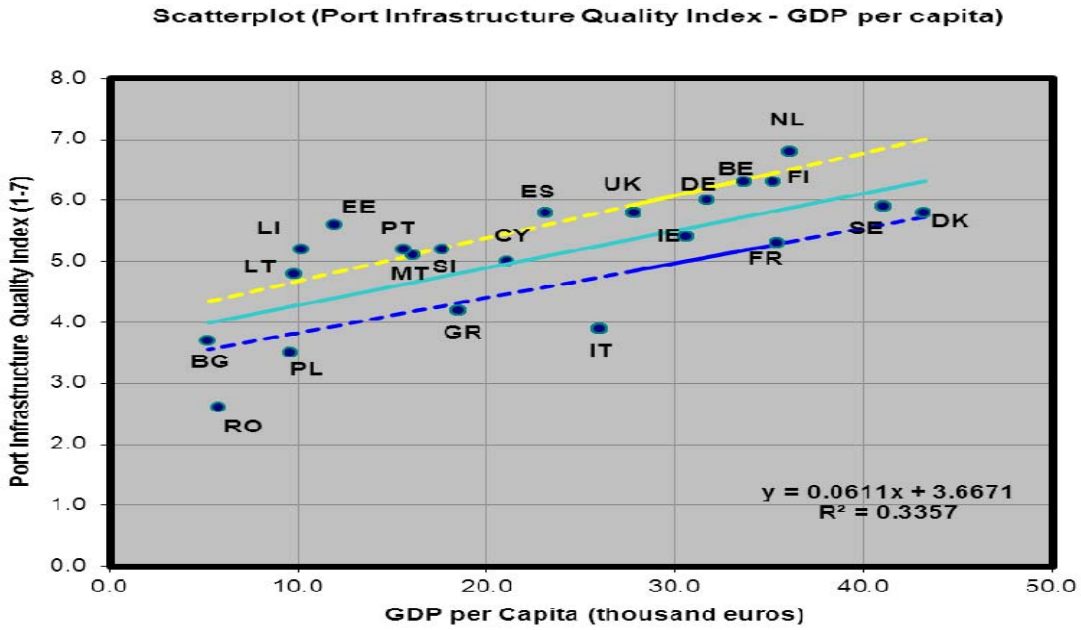
Survey respondents were asked to assess port facilities in their country according to a 1-7 scale, where 1 is extremely underdeveloped and 7 is well developed and efficient by international standards. The global mean score is 4.3, which coincides with the scores achieved by Greece and Turkey in 2012.

At the top of the list, scoring 6.8 are the Netherlands and Singapore. Other high scoring countries are Hong Kong, Panama and the United Arab Emirates. There are clear similarities between the countries in this leading cluster, in relation to their abundance of port infrastructure and international maritime connections relative to their own size.

Looking at high scoring countries in Europe, Belgium and Finland score 6.3, followed closely by Germany, Sweden, UK, Denmark, Spain, Malta and Estonia. The latter all score higher than 5.5.

The lowest scoring countries, excluding the landlocked countries who were asked to rate accessibility rather than quality, were Bosnia and Haiti with 1.7 and 1.9 respectively. In the EU, the lowest scorers were Romania with 2.6, Poland with 3.5 and Bulgaria with 3.7, similar to countries such as Nigeria, Indonesia and Argentina. The majority of EU countries however score more than the global average.

Overall there is a positive relationship between GDP and infrastructure. The following graph shows the results of a regression analysis relating the WEF score to GDP per capita, in order to show the extent of port performance gaps that cannot be explained by income gaps.



Source: World Economic Forum, Global Competitiveness Report 2012-2013.

The solid blue trend line indicates the score that would be expected per country based on GDP per capita alone. The dotted lines indicate a 10% margin. Many countries are clustered along these 10% boundaries.

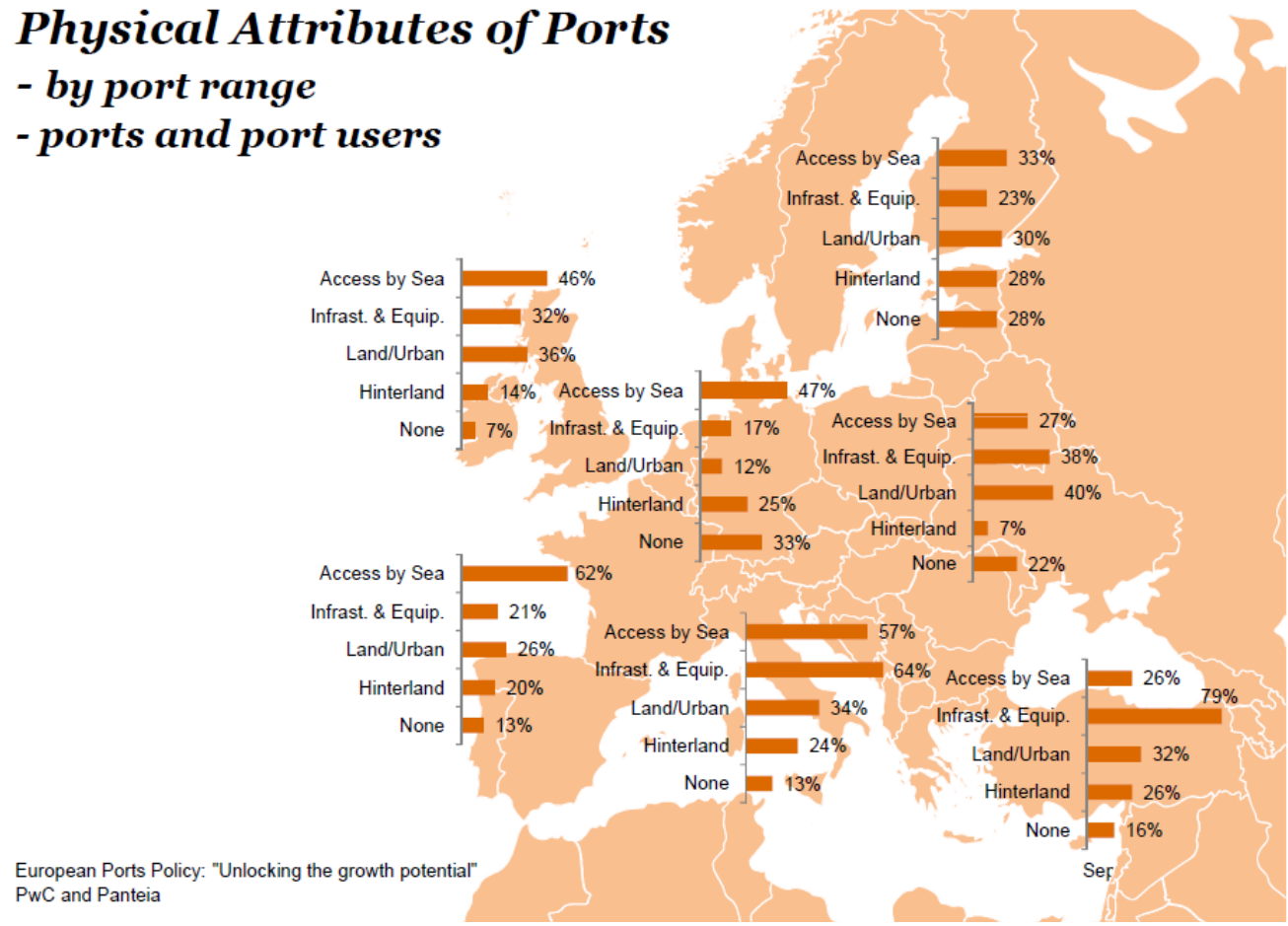
Countries above the higher dotted line perform relatively well compared to their GDP/capita and countries below the line relatively badly. The three Baltic States of Latvia (LT), Lithuania (LI) and Estonia (EE) receive relatively high ratings, together with Spain (ES) and the Netherlands (NL). Romania (RO), Poland (PL) and Italy (IT) receive relatively low ratings, with Bulgaria (BG), Greece (GR), France (FR) and Denmark (DK) all borderline.

2. PwC/Panteia Survey 2012

During the stakeholder consultation taking place during the summer of 2012, port stakeholders were asked to identify problems in relation to the performance of European ports. Port users were asked to rate the ports they use. Ports and port operators were asked to identify challenges they face in their own businesses. This contrasts with the WEF analysis in which opinions were stated by businesses from all sectors in the respective countries, and not necessarily by direct users.

Quality service levels: physical attributes of ports

The responses on issues concerning infrastructure and equipment are broadly comparable with the WEF results. There is a high instance of port infrastructure related problems in the Black Sea (79% of respondents find problems) and in the Central Mediterranean (64%). Spain, France, Belgium, Netherlands and Germany have low problem counts (around 20%). The UK and the Nordic area are slightly higher.

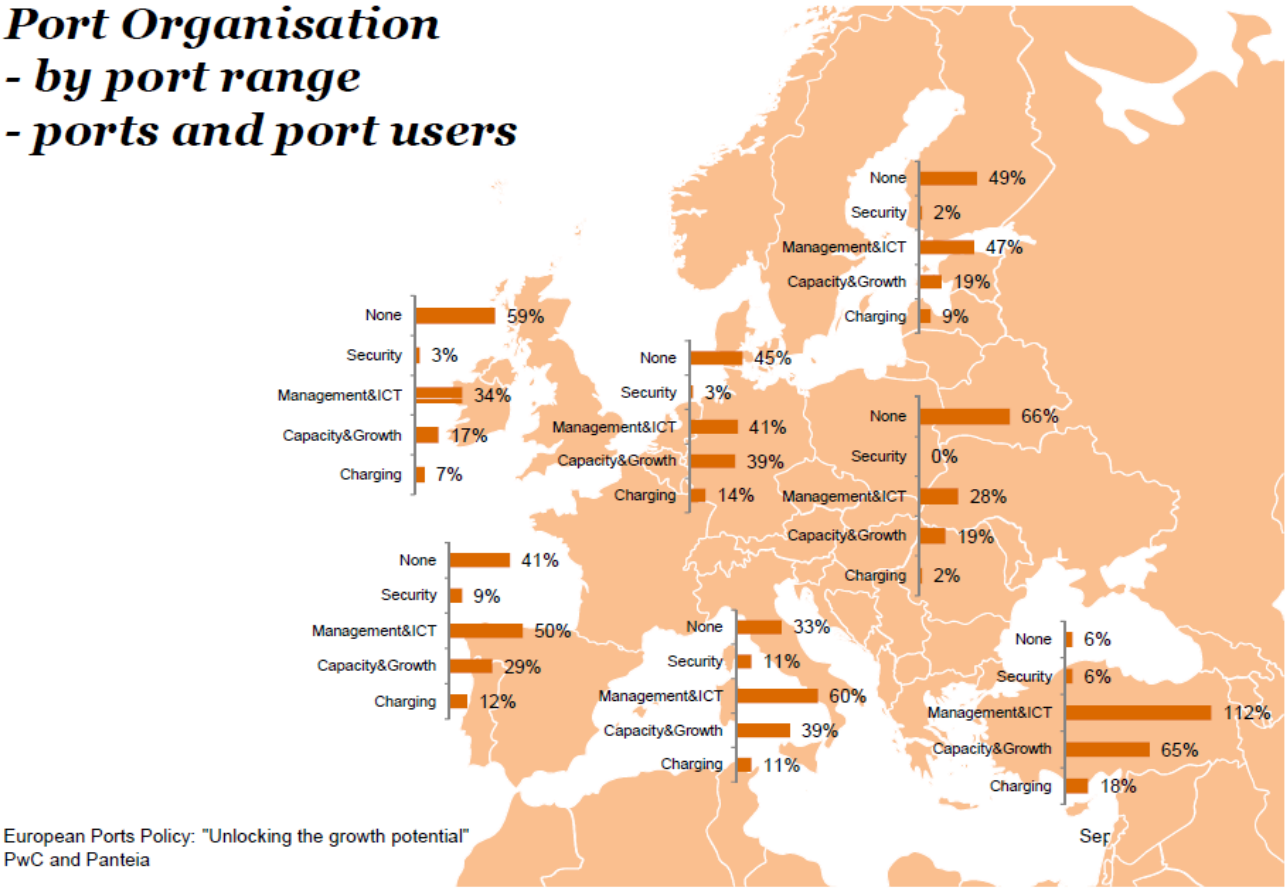


Quality service levels: matters related to organisation

The PwC/Panteia 2012 survey also considered organisational factors. There is some degree of correlation between the likelihood of infrastructure issues and the likelihood of management and IT related issues. The highest problem count for management and ICT is in the Black Sea (112%[36]), again followed by the Central Mediterranean area (60%). However, in case, most regions have scores higher than 40%, so the gap is not as evident.

[36] The count can be greater than 100% because more than one problem can be identified per port. The heading "Management and ICT" covers a range of questions, including management autonomy, coordination of services, control and monitoring, etc.

Port Organisation
- by port range
- ports and port users



European Ports Policy: "Unlocking the growth potential"
PwC and Panteia

3. Relative Performance (RPI)

The object has been to use available data to make a performance ranking of the major European ports. The calculation has been done for a sample of 115 ports TEN-T ports. The term "port performance" has no universally accepted meaning – in some contexts it means operational efficiency, in others a user rating, in others market share or competitiveness, and in others it means growth.

Definitions

The ranking applied here is based on a national user rating, combined with indicators on competitiveness and market share. Thus a "well-performing" port under these definitions is one that is located in a country where there is high infrastructure rating, and which achieves a high market share in circumstances where there is a high degree of inter-port rivalry.

The ranking is based upon three main criteria:

- The WEF (World Economic Forum) Global Competitiveness Report[37], 2012-2013, which provides a rating of port infrastructure in a given country by businesses in the same country. Each country is allocated one score.
- A proximity measure, showing per port, the presence or absence of close competitors. This is calculated with a gravity model, weighting port throughput and distance. Thus if a port has nearby rivals carrying significant throughput volumes, the proximity index is high. It will be low if there are fewer or smaller nearby competitors.
- A market share index per traffic mode of appearance, showing the performance of each port relative to the total market in a specific coastal range. Coastal ranges are listed below (Table 1). Modes of appearance are container, ro-ro, dry bulk, and liquid bulk. A share is also calculated for total tonnes.

Table 1: Set of Coastal Ranges

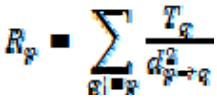
1	IRELAND
2	CYPRUS
3	MALTA
4	UNITED KINGDOM
5	SPAIN, SW FRANCE, PORTUGAL
6	DENMARK, NORWAY, SWEDEN
7	ESTONIA, FINLAND, LITHUANIA, LATVIA, BALTIC RUSSIA
8	BALTIC GERMANY, POLAND
9	HAMBURG-LE HAVRE RANGE
10	CENTRAL AND SOUTHERN ITALY
11	ADRIATIC INCL NE ITALY
12	GREECE, BULGARIA, ROMANIA
13	NW ITALY

[37] http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2012-13.pdf

Island nations are separated from the continental area, since there is a specific context, in terms of which ports can be used to serve the hinterland. Cyprus and Malta have one main port each for example. Island regions (of larger countries) such as Mallorca or Corsica are not included in the analysis, as neither the national WEF, nor the market share aspects are relevant.

Scoring

Scores are calculated according to the following variables:

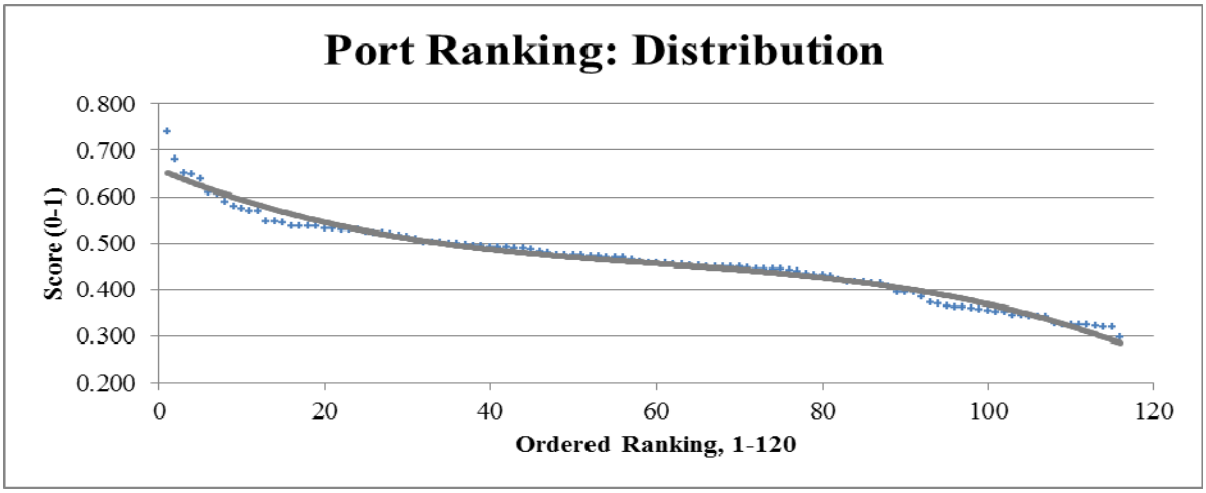
VAR	Description	Weight
A	WEF Rating. Converted from a 0-7 scale to a 0-1 scale.	10
B	Rivalry:  Where: R_p = Rivalry Score for Port p. T_q = Throughput of Port q. d = Distance between port p and port q. These scores are converted into a ranking, and then into a 0-1 scale.	1
C_1	Market share of Port P in Coastline Range, Dry Bulk Tonnes (0-1 scale)	1
C_2	Market share of Port P in Coastline Range, Liquid Bulk Tonnes (0-1 scale)	1
C_3	Market share of Port P in Coastline Range, Container Tonnes (0-1 scale)	5
C_4	Market share of Port P in Coastline Range, RORO Tonnes (0-1 scale)	3
C_5	Market share of Port P in Coastline Range, Total Tonnes (0-1 scale)	5

The score is a weighted average, using the weights calculated above.

Island ports in Cyprus, Malta and Ireland are calculated without such a strong weighting for market share. Essentially, these ports are not directly comparable with the others as far as market share performance is concerned. However they each receive WEF scores greater than 5 out of 7, indicating a high degree of satisfaction from local businesses.

The resulting distribution is as follows:

Figure 1: Port Ranking- Distribution



The distribution fits an order 3 polynomial function, superimposed on the scores in Figure 1. We can discern that most ports are clustered between 0.4 and 0.5, with sets of well-performing and less-well performing at either end of the distribution.

The Commission decided not to disclose the final calculations for the list of individual ports but only the list of ports considered in the calculations. This is done because the calculation is done to show the existing performance gaps between European ports without wishing to shame or blame individual ports. The Commission is also aware that this could have potential commercial impacts on the mentioned ports.

Table 2: List of ports

ALGECIRAS	DUBLIN	KAVALA	NAPLES	SOUTHAMPTON
AARHUS	DUNKIRK	KLAIPEDA	NARVIK	SPLIT
AGIOI THEORDORO	ELEUSIS	KOPER	OLBIA	STOCKHOLM
AMSTERDAM	FELIXSTOWE	KOTKA	OPORTO - LEIXOE	SZCZECIN
ANTWERP	FORTH	LA CORUNA	OSLO	TALLINN
AUGUSTA	FREDERICIA	LA ROCHELLE-PAL	OSTEND	TARANTO
BARCELONA	FREDERIKSHAVN	LA SPEZIA	PATRAS	TARRAGONA
BELFAST	GDANSK	LARNACA	PIOMBINO	TEESPORT
BERGEN	GDYNIA	LE HAVRE	PIRAEUS	THESSALONIKI
BILBAO	GENOA	LIMASSOL	PLOCE	TRELLEBORG
BORDEAUX	GHENT	LISBON	PORTSMOUTH	TRIESTE
BOURGAS	GIJON	LIVERPOOL	RAAHE	TURKU
BREMERHAVEN	GIOIA TAURO	LIVORNO	RAFINA	VALENCIA
BRINDISI	GLASGOW	LONDON	RAUMA	VARNA
BRISTOL	GOTHENBURG	LUBECK	RAVENNA	VENICE
CAGLIARI	HAMBURG	MALMO	RIGA	VENTSPILS
CALAIS	HELSINGBORG	MARIEHAMN	RIJEKA	VLISSINGEN
CARTAGENA	HELSINGOR	MARSAXLOKK	ROSTOCK	WILHELMSHAVEN
CASTELLON	HELSINKI	MARSEILLES	ROTTERDAM	ZEEBRUGE
CIVITAVECCHIA	HOLYHEAD	MESSINA	ROUEN	
CONSTANTZA	HUELVA	MILAZZO	SAVONA-VADO	
CORK	HULL	MILFORD HAVEN	SHEERNESS	
DELFZIJL	IGOUMENITSA	NAANTALI	SINES	
DOVER	IMMINGHAM	NANTES-ST-NAZAI	SORRENTO	

ANNEX VII:

Modelling of impacts

main assumptions[38]

Quantification of Impacts

This note sets out the methods used to estimate certain quantified impacts associated with the proposed policy packages.

Five policy packages have been considered; PP1, PP2, PP2a, PP3, and PP2a-variant.

Three main areas have been considered:

- The relationship between the policy packages and user costs (freight).
- The impact of alternative user costs on freight traffic, including modal shift.
- The impact of alternative freight traffic patterns on externalities of transport.

Step 1:

The first step is to relate the individual policy measures contained in a policy package to specific port services. Different measures tend to target specific elements of the value chain e.g. infrastructure provision, technical nautical services, etc.

All the measures were enumerated and allocated to policy packages. Each of the main port services has been considered in turn, and a linkage has been derived between the measure and the service. Thus, for example a measure aimed at port infrastructure is not deemed to have an impact on a technical nautical service.

Where linkages are deemed to exist, it is necessary then to assess what kind of impact is likely to be negative, positive or neutral on efficiency. It is not known which ports have the potential to improve their performance in a specific area, nor the level of improvement: in general, each impact is only assumed to have a modest effect e.g. a single percentage point per measure. The main objective is therefore to identify which particular services might react to which measures, and to ensure that combined measures are working in a cohesive way.

Port User Costs: assumptions

[38] For a detailed presentation, see the final report of the PwC/Panteia 2013 "Study aimed at supporting an impact assessment to enhance the efficiency and quality of port services in the EU"

One of objectives for improving the efficiency of port services is to remove bottlenecks and ultimately to save cost. For the impact assessment it has been necessary to consider how the policy packages might contribute on transport costs.

During the conduct of the study, stakeholder discussions have tended to present a view of port operations in which a range of separate services, with varying levels of co-ordination and efficiency, also varying by port, are consumed by users. In many cases, users pay separate fees according to different tariffs to the port service providers, and not an "all-in" price. For cargo ships, the largest items will be port dues, cargo handling, pilotage, towage and mooring. Part of the cargo handling fee paid to terminal operators also covers land rents which will be paid by terminal operators to port authorities.

Although it is very difficult to generalise about port costs and tariff structures, it is possible using published tariffs, port accounts and stakeholder responses to make an approximate subdivision of user costs amongst the different services. When this cost information is combined with a set of maritime flows, it is possible to make an estimate of total turnover in the port sector. By segmenting the analysis into cargo types (e.g. container, ro-ro, bulk) and by geographical areas (short sea, near sea, deep sea) it is possible to refine this estimation somewhat.

User costs, expressed in Euros per tonne, have been applied to the maritime traffic matrices. Port costs have been estimated using existing Port of Rotterdam tariffs.

Table Error! No text of specified style in document.**-2: Assumed Port Costs, 2012**

Port Costs *Euros per tonne*	Port Dues	Handling	Pilotage	Towage	Mooring	Others	Total
Containers	0.70	7.00	0.30	0.30	0.10	0.05	8.45
Dry Bulk	0.60	2.00	0.25	0.25	0.10	0.05	3.25
Liquid Bulk	0.75	2.00	0.30	0.25	0.10	0.05	3.45
RORO	0.85	0.50	0.00	0.00	0.00	0.05	1.40
Other	0.60	5.00	0.50	0.30	0.10	0.05	6.55

Using the traffic forecast, PwC / Panteia has therefore estimated that aggregate port costs at today's prices, but with future volumes, for EU ports would be €15,837 million in 2030. This forecast takes into consideration differential growth by traffic type and by O/D. Table one provides forecasts of throughput and revenue for the forecast year 2030. Note that in this table, tonnage is the volume of maritime traffic moved. Most European maritime traffic calls at more than one European port, and sea-to sea transshipment involves double handling, counted as two separate cargo movements, so these forecasts translate into port throughputs of 5.8 billion tonnes, compared to around 4 billion tonnes today.

Table Error! No text of specified style in document.**-3: Estimated Aggregate Port Costs, 2030**

2030	Tonnage (million)	Port Revenue (€ million)
Containers	606.00	5,437.49
Dry Bulk	844.27	4,151.46
Liquid Bulk	749.78	4,060.60
RORO	218.26	461.73
Other	183.27	1,725.95
TOTAL	2,601.57	15,837.23

Policy Packages

During consultation, stakeholders have indicated that problems of both quality and price can be found in European seaports – there is not a uniform level of performance. Both physical (access and infrastructure) and organisational factors are considered to play a part, and one of the important root causes identified are instances of weak competition. Essentially the port packages aim to address infrastructure requirements though measures to attract private investment, as well as structural requirements by creating the right conditions for enhancing competition, and creating a more business-friendly environment.

For the impact assessment it is necessary to consider how the different policy packages contribute. A priori, it is not possible to know in detail which ports and which services will be affected, and the margin for improvement that can be realised. However, the packages are structured so that it is possible to infer the relative strength of the measures contained, and to allow some indication of which services might respond to a greater or lesser extent. For example, because of inter-port competition, cargo handling costs are less likely to respond to measures that open up market access. Technical nautical services on the other hand are less exposed to inter-port competition, and in many cases there is only limited intra-port competition for these.

The approach has therefore been to apply conservative estimates of cost changes, differentiated per package and per service in order to permit comparison. These are assumptions made by relating policy package descriptions to changes in user cost. By scaling the costs up to the level of the industry it is possible to indicate the importance of port services at the European scale for consumers and businesses. Based on the above assumptions, the information obtained from the user surveys has been analysed in order to derive the following parameters for estimating the scope for cost decreases.

	Port Dues	Handling	Pilotage	Towage	Mooring	Others
PP1	1.00	0.98	0.97	0.95	0.95	0.95
PP2	1.10	0.95	0.95	0.90	0.90	0.90
PP2a	0.95	0.94	0.92	0.85	0.85	0.85
PP3	0.96	0.93	0.90	0.80	0.80	0.80
PP2a VARIANT	0.95	0.98	0.92	0.85	0.85	0.85

Step 2:

In the second step, the cost variations have been applied in a model of European maritime traffic. Maritime flows have been analysed as O/D traffic between coastline areas e.g. Britain to the Iberian Peninsula. Seventeen coastline areas have been used, of which thirteen are in the EU, and four outside. Traffics are broken down into five categories, including container, dry bulk, liquid bulk, roll-on roll-off and other general cargo. They are forecast using the TRANSTOOLS trade model (v2.6) to 2030.

Maritime costs, including port costs, have been estimated for this traffic set. Within the port cost estimate, separate amounts have been estimated for the main port services, including infrastructure, cargo handling, technical nautical services (analysed separately) and other services. Inputs for port costs are primarily based on 2011 Port of Rotterdam port tariffs. Port of Rotterdam figures have been used partly because they cover almost 10% of European traffic, implying that they have influence on competing ports, but also because tariffs for all services are published.

By combining forecast traffic flows with estimated charges, it is possible to arrive at an estimate of aggregate port costs in the EU. These can be expressed in percentage terms or absolute changes. For example, in PP1, where it is assumed that savings ranging from zero up to 5%, the net cost saving is estimated at 2.0%.

(2030)	Change (%) in Total Port Related Costs	Annual Savings (€ million)
PP1	-2.0%	-318.15
PP2	-3.0%	-481.47
PP2a	-6.8%	-1,071.37
PP3	-7.9%	-1,245.21
PP2a VARIANT	-4.0%	-635.55

Step 3:

Lower user costs act as an incentive to use maritime options in cases where sea is in competition with land transport. For the majority of traffic flows this is not the case; either the flows are captive for land transport or for sea, so the relative traffic shifts are expected to be small. Nevertheless, they can be estimated using a multimodal model. In the third step, therefore we have used the WORLDNET (FP6) approach to estimate multimodal route, following the methodology used in the study "Ports and their connections within the TEN-T", (DG-MOVE, 2010). This model assigns flows to multi-modal mode chains, thus estimating port choice, and the sensitivity between land and sea options. The calculation is made using 2010 network and flow data obtained from the ETISplus (FP7) transport information system.

The only variable used in this modelling step is port cost, with the inputs coming from the outcome of Step 2. Only EU ports are affected.

	Inland Tonne-Kms(m)	Maritime Tonne-Kms(m)	Maritime Tonnes	Change in Short Sea Shipping (%)	Change in Road transport over 300Km
PP1	-1,929	3,603	4,951,830	0.49%	-833
PP2	-2,894	5,404	7,427,745	0.73%	-1,249
PP2a	-5,996	13,311	16,550,502	1.63%	-2,634
PP3	-6,713	15,942	19,099,402	1.88%	-2,972
PP2a variant	-3,858	7,205	9,903,660	0.97%	-1,666

Model results show that inland traffic volumes fall by between 1.9 to 6.7 billion tonne kilometres, with a corresponding shift of between 3.6 billion and 15.9 billion tonne kilometres towards maritime transport. These figures imply an increase in maritime tonnes of between 4.9 million and 19.1 million. Since the shifted flows are between European ports, the increase in European seaport traffic will be double, i.e. up to almost 40 million tonnes under PP3 assumptions.

The impact on short sea shipping volumes ranges from a 0.49% increase in PP1 to a 1.88% increase in PP3.

For inland transport, the shift causes a decrease in road and rail modes. There is a modest increase in inland waterway traffic because this mode is frequently used in combination with maritime traffic. For road transport, the decrease is mainly found in longer distance bands. For example, PP2a reduces total inland transport by 5,996 million tonne kilometres, of which 2,634 million are shifted from road haulage trips over 300km long.

Step 4:

As explained earlier, lower user' costs act as an incentive to use maritime options in cases where sea is in competition with land transport. The maritime traffic increase is expected to result in new job creation.

According to our analysis every additional million tonnes (adjusted) of throughput creates roughly 90 new cargo handling jobs. Cargo handling jobs are approximately 10% of total direct employment including non-maritime employment, and 20% of direct maritime employment.

Therefore, taking into consideration only the direct employment categories, we obtain the following estimation for the baseline scenario:

Table 4: Estimated Employment Impacts, 2010 to 2030, Reference Scenario

Throughput	***2010***	***2030***	***Growth 30/10***	***Gr% YoY***
EU Port Throughput (T. mln)	3,622.43	5,204.44	44%	1.8%
Adjusted Throughput (T.mln)	1,107.94	1,801.43	63%	2.5%
Employment				
Port Workers (000s)	111.18	163.57	47%	1.9%
Other Maritime Port FTE (000s)	101.19	117.27	16%	0.7%
Non Maritime Direct FTE (000s)	256.45	256.45	0%	0.0%
Total Direct Employment (000s)	468.83	537.29	15%	0.7%

It is assumed that through a combination of public and private sector actions, including the EC measures to enhance port capacity, that volume will increase of 44% in EU ports by 2030. As a consequence, we estimate that the number of port workers will increase from the present day figure of around 110,000 to around 163,000 by 2030.

The ratio of other maritime port FTEs to port workers is based on the Flemish ports ratios. Over time it is expected that the ratio falls in line with increasing productivity rates. Non-maritime direct employment in ports is not expected to react to traffic volume.

Total direct employment is therefore estimated to grow by 15%, or approximately 70,000.

In the policy scenario (high case PP3), additional port volume would help to generate around 2,500 additional jobs. See below.

Table 5: Estimated Employment Impacts, 2010 to 2030, Policy Scenario

Throughput	***2010***	***2030***	***Growth 30/10***	***Gr% YoY***
EU Port Throughput (T. mln)	3,622.43	5,251.46	45%	1.9%
Adjusted Throughput (T.mln)	1,107.94	1,817.71	64%	2.5%
Employment				
Port Workers (000s)	111.18	165.05	48%	2.0%
Other Maritime Port FTE (000s)	101.19	118.33	17%	0.8%
Non Maritime Direct FTE (000s)	256.45	256.45	0%	0.0%
Total Direct Employment (000s)	468.83	539.83	15%	0.7%
Difference, Policy-Reference		+2.54		

The major employment impact comes from the exogenous effect of traffic growth. As shown in table 1 total direct employment in the baseline is estimated to grow by 15%, or approximately 70,000 from 2010 to 2030.

Policy measures contribute to this impact by setting out a more favourable structural framework for attracting investment. In addition they directly contribute to maritime and port employment through modal shift.

Table below summarises the number (unit) of additional jobs against the reference scenario expected in 2030 under different PPs.

2030	EU Port Throughput (Ton million)	Adjusted Throughput (Ton million)	New jobs
PP1	5,216.63	1,805.65	658
PP2	5,222.73	1,807.76	987
PP2a	5,245.19	1,815.54	2,199
PP3	5,251.46	1,817.71	2,537
PP2a VARIANT	5,228.82	1,809.87	1,316

Step 5:

In the final step, the inland traffic reductions and the maritime traffic gains are evaluated in terms of their externalities. The following average rates are used per unit (a 12m lorry or a forty foot container load), covering noise, accidents and emissions.

	RAIL	ROAD	WWAY	SEA
Externalities € per Unit/Km	0.161	0.3893	0.1984	0.0311

Valuations are based on a number of studies including:

1. IMPACT, Handbook on estimation of external costs in the transport sector. Produced within the study "Internalisation Measures and Policies for All external Cost of Transport", IMPACT, 2008, Maibach et al. (INFRAS, CE-Delft).

2. Vergelijkingskader Modaliteiten 1.4b, NEA in association with STERC, TransCare, 2001 to 2004. A study for the Ministerie van Verkeer en Waterstaat (DGG/AVV).

3. ASSET, Assessing Sensitiveness to Transport, Alpine Crossing, ECOPLAN, 2009. This study, in turn, uses inputs from ECOPLAN and INFRAS (2208), Externe Kosten des Verkehrs in der Schweiz. On behalf of Swiss Federal Office for Spatial Development and Federal Office of the Environment, Bern.

By applying these rates to the net shifts per mode, we obtain the following estimates:

	External Costs (€m/pa)
PP1	-23
PP2	-34
PP2a	-69
PP3	-76
PP2a VARIANT	-46

Policy Package 1

		Reference 2030	PP1
2030	Tonnes (million)	Port Revenue (€ million)	Port Revenue (€ million)
Containers		5,437.49	5,327.13
Dry Bulk		4,151.46	4,065.23
Liquid Bulk		4,060.60	3,979.39
RORO		461.73	457.61
Other		1,725.95	1,689.72
TOTAL	0.00	15,837.23	15,519.08
			-2.0%
			-318.15

Policy Package 2

		Reference 2030	PP1
2030	Tonnes (million)	Port Revenue (€ million)	Port Revenue (€ million)
Containers		5,437.49	5,218.70
Dry Bulk		4,151.46	4,033.30
Liquid Bulk		4,060.60	3,966.44
RORO		461.73	479.87
Other		1,725.95	1,657.44
TOTAL	0.00	15,837.23	15,355.75
			-3.0%
			-481.47

Policy Package 2a

		Reference 2030	PP1
2030	Tonnes (million)	Port Revenue (€ million)	Port Revenue (€ million)
Containers		5,437.49	5,085.82
Dry Bulk		4,151.46	3,857.66
Liquid Bulk		4,060.60	3,776.36
RORO		461.73	435.35
Other		1,725.95	1,610.67
TOTAL	0.00	15,837.23	14,765.85
			-6.8%
			-1,071.37

Policy Package 3

		Reference 2030	PP1
2030	Tonnes (million)	Port Revenue (€ million)	Port Revenue (€ million)
Containers		5,437.49	5,026.94
Dry Bulk		4,151.46	3,807.84
Liquid Bulk		4,060.60	3,731.04
RORO		461.73	435.68
Other		1,725.95	1,590.51
TOTAL	0.00	15,837.23	14,592.02
			-7.9%
			-1,245.21

Policy Package 2aVAR

		Reference 2030	PP1
2030	Tonnes (million)	Port Revenue (€ million)	Port Revenue (€ million)
Containers		5,437.49	5,266.00
Dry Bulk		4,151.46	3,959.85
Liquid Bulk		4,060.60	3,870.52
RORO		461.73	441.95
Other		1,725.95	1,663.37
TOTAL	0.00	15,837.23	15,201.68
			-4.0%
			-635.55

Port Employment

European port employment data is described by the recent study by Dr Eric Van Hooydonk, "Port Labour in the EU"[39] as "scattered, indeed hardly comparable", and of "uneven quality and reliability". It is therefore difficult to present an accurate overview of port employment at a European level. The Van Hooydonk study concentrates on the number of port workers or dockers engaged in cargo handling, as well as a few related activities including warehousing. According to this definition, the study estimates that there are around 110,000 port workers in the EU.

At national level or port level it is possible to extend these definitions. In the study by ITMMA "Dock labour and port related employment[40]" certain national case studies are presented. In the Flemish ports of Antwerp, Zeebrugge, Ghent and Oostende, total direct port employment was recorded as 108,818 full time equivalents (FTE). However, only approximately between one third and one half of these direct employees work in the 'maritime cluster'. The rest work mainly in industry located at the port complexes. In Antwerp for example, there were 60,509 direct FTE employees in 2010[41], of which 27,410 were employed in the maritime cluster. Of those, 14,350 were working in cargo handling activities in 2010. By comparison, the Van Hooydonk study shows that the number of dockers in Belgium as a whole was only 10,300, so the categorisation offered by official statistics could be difficult to interpret.

Table 6: Employment at the port of Antwerp (number of FTEs)

	2005	2008	2009	2010
Cargo Handling	14,079	15,249	14,858	14,350
Shipping agents and forwarders	6,457	6,940	6,805	6,808
Port Authority	1,646	1,631	1,659	1,680
Other	4,091	4,678	4,884	4,572
Total Maritime Cluster	**26,273**	**28,498**	**28,206**	**27,410**
Total Non-Maritime Cluster	**35,443**	**35,256**	**34,376**	**33,099**
Total Direct FTE	**61,716**	**63,754**	**62,582**	**60,509**
Antwerp throughput (mln. Tonnes)	160,1	189,4	157,8	178,2

Source: National Bank of Belgium, 2012

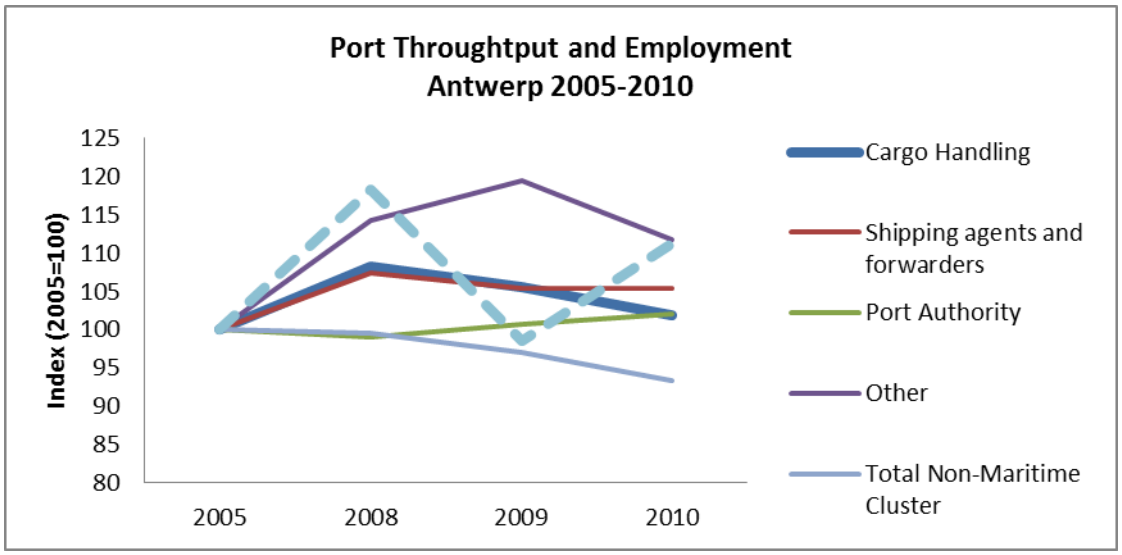
Comparing employment trends and throughput trends over this period (2005-2010), it can be seen that throughput grows faster than employment. From 2005 to 2010, throughput increased by 11%. Non-maritime employment fell, whereas the main maritime categories increased between 2% and 5%. ITMMA 2010 considers a longer time period between 2002 and 2007, and shows that while cargo in Flemish ports increased by 32%, employment in the maritime cluster increased by 18%.

[39] Dr Eric Van Hooydonk, 2013, "Port Labour in the EU", a study commissioned by the European Commission.
[40] T. Notteboom, ITMMA, 2010, "Dock labour and port related employment".
[41] Claude Mathys, National Bank of Belgium, 2012, "Economic Importance of the Belgian Ports".

During the growth period 2002-2007, ITMMA shows that non-maritime employment fell by 1%. They argue that this is related to a process of "de-maritimisation", implying that there is a shift in non-cargo handling activity from port complexes towards the hinterland. Growth in throughput, without an equivalent expansion of port land, implies that a higher proportion of activity within the port will become directly related to the movement (rather than the processing) of goods. Thus, direct port related employment may be substituted by indirect employment in the hinterland.

Over the period 2005 to 2010, the trends in throughput and maritime employment, including cargo handling are somewhat erratic. Non-maritime direct employment continues to fall.

Figure 2- Port Throughput and Employment in Antwerp



Source: NBB, 2012

In Rotterdam, traffic grew by 16% in total tonnage between 2005 and 2010. Over the same period total direct employment[42] grew from 85,844 to 87,111 (+1.5%). Industrial employment which accounts for around 20,000 of these employees, fell during this period but that was compensated in other areas such as road haulage, which grew from 21,930 to 25,357, and logistics services, which grew from 10,598 to 11,449. Employment in the activities most closely associated with cargo movement, described as 'transhipment and warehousing' rose from 9,021 in 2005 to a peak of 9,605 in 2008 and then fell steadily to 8,898 in 2010. It is difficult to directly compare Rotterdam and Antwerp statistics, but the general picture of moderate growth and static employment seems consistent.

Higher employment levels in Antwerp relative to cargo throughput (14,350 cargo handling employees for 178 million tonnes) compared to Rotterdam (8,898 transhipment and warehousing employees for 430 million tonnes) can be partially explained by the relative importance of more capital intensive sectors in Rotterdam, especially liquid bulk.

[42] Port of Rotterdam Statistics. Source: Erasmus University, Rotterdam.

Employment impacts of traffic growth in ports, Hamburg-Le Havre Range

Both Notteboom and Van Hooydonk emphasise caution in the comparison and use of port employment statistics. However, we can derive a few tentative conclusions from those studies.

- Port workers, or dockers, as defined by Van Hooydonk may represent some 10% of total direct employment in ports.
- Employment in cargo handling and warehousing tends to follow the economic cycle, but does not grow in direct proportion to throughput.
- Throughput has been growing faster than employment in the reviewed cases.
- Employment in non-maritime activities in ports does not correlate well with throughput and a long term decline seems to occur in this category.

Using the Van Hooydonk employment data, it is possible to make a scatter plot relating port employment per country to throughput. We have applied the 'Antwerp rule' as a way of normalising the mix of traffic, given that certain traffic types e.g. break bulk, are more labour intensive per tonne than others such as crude petroleum. Following the review of value added methods in ITMMA (2010), we apply the rule that 1 tonne of conventional cargo = 1 tonne of roll on roll off = 18 tonnes of crude oil = 2 tonnes of liquid bulk (except crude oil) = 3 tonnes of containers = 5 tonnes of dry bulk.

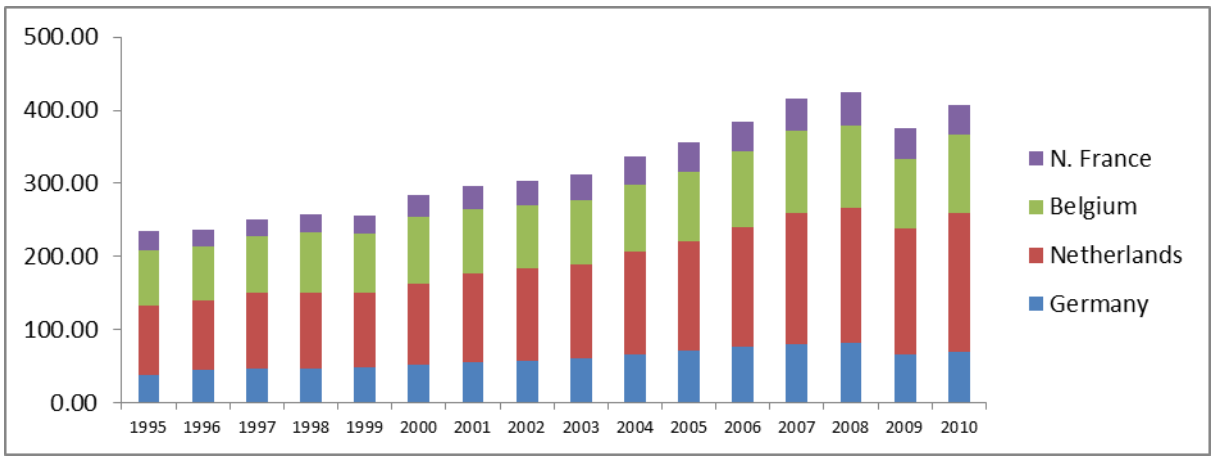
Table 7: Assumptions for Port Traffic Value Added, the 'Antwerp Rule'

	Conventional Cargo	RoRo	Crude petroleum	Other Liquid Bulk	Containers	Dry Bulk
Antwerp Rule	1	1	18	2	3	5

Source: ITMMA 2010.

However, if we convert all the traffic in the Hamburg-Le Havre range according to these factors into "conventional cargo equivalent" tonnes, the trend is broadly similar to the overall trend in tonnes.

Figure 3: Growth in "Conventional Cargo Equivalent" Tonnes according to the Antwerp Rule



Over the fifteen year term, throughput (expressed with these adjustments) has risen by 73%. During the period 2002 to 2007, it grew by 37%. Comparing this growth phase with the employment statistics, relating to maritime clusters, in the ITMMA (2010) study, it appears that there is approximately a 2:1 ratio between adjusted traffic growth and employment growth.

Employment Impacts, Italy

Data produced by Assoporti in 2008[43] shows that Italian ports accounted for 56,682 jobs in 2007, of which 27,899 were categorised as direct FTE. This compares with the employment figures quoted by Van Hooydonk, showing that there were up to 18,000 dockers employed in Italy.

Table 8: Traffic and Employment in Italian Ports

	2004	2007	Growth 2007/2004
Employment (nr jobs)	27,500	27,899	+1.4%
Annual Traffic (tonnes)	484,877	537,300	+10.8%

The figures suggest that direct employment rates per tonne of cargo moved are generally lower than in the North European examples. Given that Italian ports collectively handle approximately double the volume carried via Flemish ports, direct employment levels are close to the quoted Flemish figures for the maritime cluster, at around 30,000 FTE. This suggests that a higher proportion of Italian direct employees are indeed dockers. The ratio of traffic growth and employment growth is also higher, at around 8:1.

In Genoa, which carries around 50 million tonnes per annum, or around 10% of the Italian market, the port authority shows employment levels at 37,073. However, only 4,274 are classified as working in the commercial port, with a further 6,500 in ship-building and ship-repair, and 26,299 in port logistics and auxiliary services.

Table 9: Traffic and Employment in Italian Ports

	2004	2010
Employment (nr jobs)		**37,073**
- Commercial Port		4,274
- Shipyard		6,500
- Port Logistics and Auxiliary		26,299
Annual Traffic (tonnes)	**57,033**	**51,952**

Source: Genoa Port Authority

[43] Assoporti, 2008, "La Portualità come Fattore di Sviluppo e Modernizzazione." Fondazione Censis.

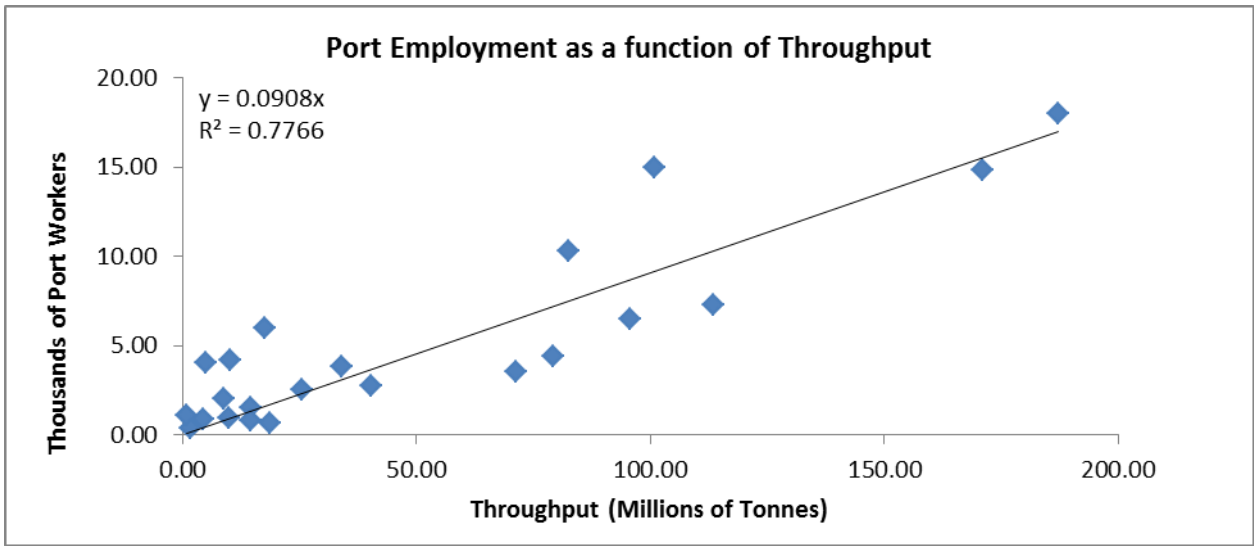
This suggests, as in the cases of Antwerp and Rotterdam that employees fitting the narrower definitions of port workers, i.e. those engaged in the operation of a port, are in the minority, and around 10% of total port employment in these examples.

Employment Impacts, EU27

For the wider European picture, we rely upon the surveys conducted by Van Hooydonk (2013), covering a narrower definition of port labour.

Here we have made a scatter plot relating converted throughput[44] (in millions) against the number of port workers (in thousands).

Figure 4: EU Port Employment as a function of throughput



The slope of the function implies that every additional million tonnes (adjusted) of throughput creates roughly 90 new cargo handling jobs.

Given the previous analysis showing that cargo handling jobs are approximately 10% of total direct employment including non-maritime employment, and 20% of direct maritime employment.

Estimate of Employment Impacts

Therefore, taking into consideration only the direct employment categories, we obtain the following estimation:

[44] According to Antwerp Rule as before.

Table 10: Estimated Employment Impacts, 2010 to 2030, Reference Scenario

Throughput	***2010***	***2030***	***Growth 30/10***	***Gr% YoY***
EU Port Throughput (T. mln)	3,622.43	5,204.44	44%	1.8%
Adjusted Throughput (T.mln)	1,107.94	1,801.43	63%	2.5%
Employment				
Port Workers (000s)	111.18	163.57	47%	1.9%
Other Maritime Port FTE (000s)	101.19	117.27	16%	0.7%
Non Maritime Direct FTE (000s)	256.45	256.45	0%	0.0%
Total Direct Employment (000s)	468.83	537.29	15%	0.7%

It is assumed that through a combination of public and private sector actions, including the EC measures to enhance port capacity, that there is a volume increase of 44% in EU ports by 2030. As a consequence we estimate that the number of port workers will increase from the present day figure of around 110,000 to around 163,000 by 2030.

The ratio of other maritime port FTEs to port workers is based on the Flemish ports ratios. Over time it is expected that the ratio falls in line with increasing productivity rates. Non maritime direct employment in ports is not expected to react to traffic volume.

Total direct employment is therefore estimated to grow by 15%, or approximately 70,000.

In the policy scenario (high case PP3), additional port volume would help to generate around 2,500 additional jobs. See below.

Table 11: Estimated Employment Impacts, 2010 to 2030, Policy Scenario

Throughput	***2010***	***2030***	***Growth 30/10***	***Gr% YoY***
EU Port Throughput (T. mln)	3,622.43	5,251.46	45%	1.9%
Adjusted Throughput (T.mln)	1,107.94	1,817.71	64%	2.5%
Employment				
Port Workers (000s)	111.18	165.05	48%	2.0%
Other Maritime Port FTE (000s)	101.19	118.33	17%	0.8%
Non Maritime Direct FTE (000s)	256.45	256.45	0%	0.0%
Total Direct Employment (000s)	468.83	539.83	15%	0.7%
Difference, Policy-Reference		+2.54		

Summary outcome

The major employment impact comes from the exogenous effect of traffic growth. As shown in table 5 total direct employment in the baseline is estimated to grow by 15%, or approximately 70,000 from 2010 to 2030.

Policy measures contribute to this impact by setting out a more favourable structural framework for attracting investment. In addition they directly contribute to maritime and port employment through modal shift.

Table below summarises the number (unit) of additional jobs against the reference scenario expected in 2030 under different PPs.

2030	EU Port Throughput (T. mln)	Adjusted Throughput (T.mln)	New jobs
PP1	5.216,63	1.805,65	658
PP2	5.222,73	1.807,76	987
PP2a	5.245,19	1.815,54	2,199
PP3	5.251,46	1.817,71	2,537
PP2a VARIANT	5.228,82	1.809,87	1,316

Reference Forecast – Overview of Methodology and Assumptions

The forecast is based upon applying a trade growth model to a disaggregated set of traffic flows, in which long distance trade flows are related to port traffic. This approach uses the NEAC[45] trade model methodology applied to a WORLDNET[46] freight-chain matrix derived from ETISplus[47] freight statistics. It has been updated during 2012 as a task of the Trans-Scenario[48] project, to integrate the methodology into the newest (v2.6) TRANS-TOOLS[49] model.

[45] See for example: NEA, 1999, Final Report, European Transport Forecast 2020, Freight Transport.

[46] WORLDNET Project, 2009, DG-MOVE, FP6, NEA, KIT, MKmetric, OSC, DEMIS, TINA.

[47] ETISplus project, 2012, DG-MOVE, Panteia/NEA(NL) et al.

[48] TransScenario, 2012, DG-MOVE, Tetraplan(DK) et al.

[49] TRANS-TOOLS, DG-MOVE reference transport model, JRC-IPTS, Spain.

Structure of NEAC Trade Model (Source: Panteia/NEA)

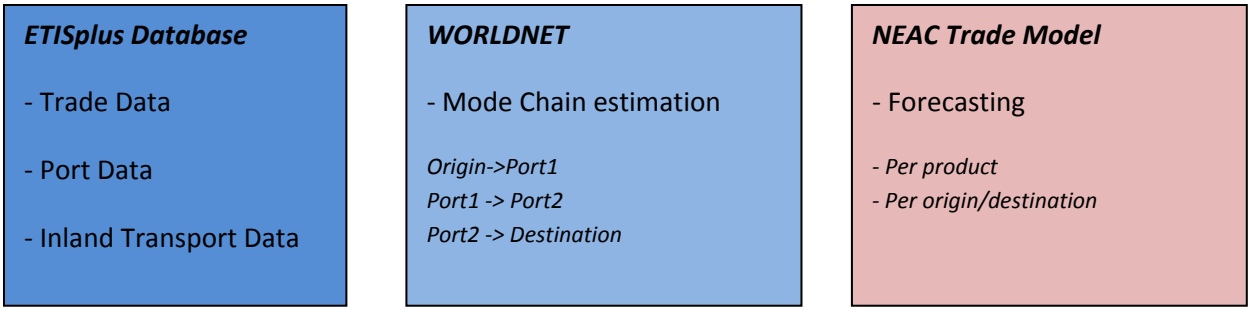
$$T_{ijg} = \alpha 1 * P_{ig}^{\alpha 2} * A_{jg}^{\alpha 3} * D_{ij}^{\alpha 4} * e^{\alpha 5 * DUMMY}$$

Where,

T_{ijg}	trade of commodity group g between country/region i and j in tonnes;
P_{ig}	added value of the sector that supplies commodity g in country/region i;
A_{jg}	added value of the sector that consumes commodity g in country /region j;
D_{ij}	the deterrence variable representing generalized costs between capital cities of country/region i and j as a proxy for the resistance on the trade;
DUMMY	a dummy variable that captures economic co-operation between countries/regions or a specific

In order to estimate port traffic, assumptions of economic growth up to 2030 and 2050 have been applied to a base year traffic matrix, containing maritime flows. ***Assumptions of economic growth use current (2012) estimates from PRIMES[50]/TREMOVE[51]***.

Model structure:



The results of the model, namely the matrixes of port to port flows of maritime traffic (estimations 2005-2030) are given in Annex VIII.

Key points:

- The model builds up a picture of port-related traffic using trade data and port throughput data.
- The only assumptions entered into the forecasting model are economic growth rates, based on current expectations (Trans-Scenario, 2012);
- The model does not shift traffic between ports – it is competition neutral;

[50] PRIMES model, NTUA, Greece.
[51] TREMOVE model, TM-Leuven, Belgium.

- Differential growth rates according to coastline areas arise only from variations in regional economic growth and the mix of commodities; and
- The model calculates unconstrained demand – without capacity ceilings for transport infrastructure.

Balance of Demand and Supply in European Ports, up to 2030

4.1 Demand

The following forecasts are calculated using the TRANSTOOLS v2.6[52] model, based on economic assumptions (GDP and GVA) obtained from the PRIMES[53] model. Average growth in GDP for the EU27 as a whole is expected to be 1.4% per annum up to 2030. Different growth rates are assumed for each EU member State and for each trading partner.

It implies that growth will be close to 50% by 2030, with an average annual growth rate of 1.9% per annum.

Table 12 - 2010 port traffic by region of loading/unloading

Region	Container	Dry Bulk	Liquid Bulk	RoRo	Other Cargo	Total
UK/Ireland	65.46	137.58	265.57	123.12	18.70	616.60
Nordic	32.71	134.00	204.03	89.08	46.57	517.08
South Baltic	14.61	68.86	83.81	13.74	13.86	194.90
Hamburg-France	323.35	329.79	529.26	92.36	80.63	1,357.59
Iberia	124.48	90.50	175.37	15.45	25.32	431.12
Italy/Malta	83.22	67.76	207.01	85.72	33.45	482.92
Balkan/Aegean	54.48	74.47	80.81	24.69	56.12	313.36
Black Sea	6.26	27.42	20.03	0.30	6.18	60.19
Total	704.56	930.40	1,565.88	444.46	280.83	3,973.76

Source: Eurostat/ETISplus.

Table 13 - 2030 port traffic by region of loading/unloading

Region	Container	Dry Bulk	Liquid Bulk	RoRo	Other Cargo	Total
UK/Ireland	125.74	155.43	297.49	137.46	35.26	751.39
Nordic	50.53	187.66	240.30	122.01	81.87	682.37
South Baltic	19.91	158.09	88.92	17.68	39.39	323.98
Hamburg-France	595.58	434.53	571.20	186.83	138.26	1,926.40
Iberia	217.28	176.38	213.45	38.34	50.98	696.44
Italy/Malta	179.00	112.67	261.87	80.05	64.24	697.83
Balkan/Aegean	120.80	156.28	122.21	50.50	128.72	578.51
Black Sea	8.22	69.73	28.90	1.53	37.81	146.19
Total	1,317.06	1,450.77	1,824.34	634.40	576.53	5,803.11

[52] DG-MOVE reference transport model.
[53] NTUA, Athens. Reference model for EC forecasting.

Port Traffic in the container sector will be higher than in the bulk sectors. By 2030, container traffic growth will exceed 85% i.e. 3.2% year on year growth.

These results can be compared with other market research studies:

ISL Port Traffic Forecasts up to 2025

In the 2010 study by ISL, "Prognose des Umschlagpotenzials des Hamburger Hafens fur die Jahre 2015, 2020 und 2025", they show in the neutral economic forecast that container traffic in the Hamburg-Le Havre range might increase from 39.2 million TEU in 2008 to 70.9 million by 2025 (basis-scenario, p92). That suggests an annual rate of growth of 4.8% per annum for container traffic. For bulk cargo they indicate a rather static picture, with volumes remaining close to current levels.

Port of Rotterdam, Port Vision 2030

Port of Rotterdam's Port Vision 2030 sets out a long term strategy in which they cite factors such as global shifts and changes in the patterns of energy demand and supply as the driving forces for continued port traffic growth, particularly in the inter-continental trades. When this is combined with expected changes in the organisation of these traffic flows, and with cost and fuel savings offered by scale economies the port expects that there will be greater specialisation and clustering.

They apply four scenarios:

- Low Growth: with low economic growth and moderate environmental policy;
- European Trend: based on current trends and policy measures;
- Global Economy: with high economic growth, low fuel prices, and a low degree of environmental policy; and
- High Oil Price: with moderate economic growth, high oil prices, and a higher degree of environmental policy.

From a 2010 volume of 430 million tonnes, Rotterdam forecasts increases in volume up to 750 million tonnes in 2030.

Table 14 - Port of Rotterdam, Port Vision 2030

1. Scenario	2. 2030 prediction (tonnes)	3. Annual growth rate 2010-2030
4. Low Growth	5. 475 million	6. 0.5% per annum
7. High Oil Price	8. 575 million	9. 1.5% per annum
10. European Trend	11. 650 million	12. 2.1% per annum
13. Global Economy	14. 750 million	15. 2.8% per annum

In the European port forecast estimated by PwC/Panteia in this document, annual average growth rates up to 2030 are 1.9%. This lies in between the range of the two central Rotterdam scenarios (High Oil Price and European Trend).

OPTIMAR, IHS-Fairplay, Benchmarking Strategic Options for European Shipping and for the European Maritime Transport System in the Horizon 2008-2018, 2010 Update

OPTIMAR makes medium term forecasts for the European shipping sector. A post-crisis revision was published in 2010. It explains the expansion in the capacity of the world shipping fleet, and how this continued to grow throughout the period following the first economic crisis in 2008. Port volumes are shown to have fallen in many European coastal regions after 2008, but the report concludes that its strategic outlook or "signals of future change" were unchanged. The study had demonstrated that shipping-line capacity was capable of accommodating growth, but that in some port sectors, notably containers, there would be space constraints. One important driver in this market would be the growth of Russian containerized volumes, and the opportunity this creates for transshipment at EU hub ports.

In the OPTIMAR SWOT analysis of the European port system (see Annex), weaknesses are cited in relation to capacity shortages e.g. in East Baltic dry cargo sector, and in the container sector for most regions. Efficiency and unstable labour relations are also highlighted.

Opportunities include the development of Motorways of the Sea, new container feedering patterns, and the growth of Russian markets. The authors foresee a situation where excess capacity in the shipping fleet will drive the sector forward to seek new opportunities, especially in emerging markets.

4.2 Demand/Supply Balance

Because of the relatively high growth in the container sector, and the heavy investment required to build modern container terminals capable of handling the largest container vessels, the question of port capacity and imbalances between demand and supply is particularly important for European container flows.

OECD, Strategic Transport Infrastructure Needs to 2030

In 2011, the OECD study "Strategic Transport Infrastructure Needs to 2030" pointed towards "modest but sustained" growth in developed countries and "significantly higher growth" in developing countries. Worldwide the study expected that the volume of container transport would quadruple by 2030.

Much of that growth will be stimulated by economic and logistical changes taking place outside Europe, but it can still be expected that the volumes in major inter-continental gateways will increase.

In the same study, the OECD indicated that *infrastructure capacity is not able to handle even a 50%* increase in demand, and therefore that the supply side will become congested.

CLECAT (International Transport Forum, 2007)

CLECAT (European Association for Forwarding, Logistics and Customs Services) provided examples of port congestion in Europe in 2004. These occurred during a period of rapid growth, and they show that periods of unexpected growth can create short to medium term capacity shortages, resulting in additional cost and delay for shippers. It is estimated that when the supply demand ratio reaches 80%, the user will experience congestion because there will be very limited scope to handle peaks in demand.

Port	Capacity Utilisation
Le Havre	89.6%
Antwerp	92.9%
Rotterdam	92.5%
Bremerhaven	95.5%
Hamburg	93.2%
Southampton	99.3%
Felixstowe	77.1%
Others	41.9%
Total average	86.6%

Ocean Shipping Consultants, (2006) Forecast Container Handling Supply/demand Balance up to 2015

OSC's 2006 publication showed that by 2015, even with large increases in capacity in many regions, utilisation rates would reach in excess of 80%, the point at which congestion would start to be felt by users.

Supply/Demand balance by Coastal Region

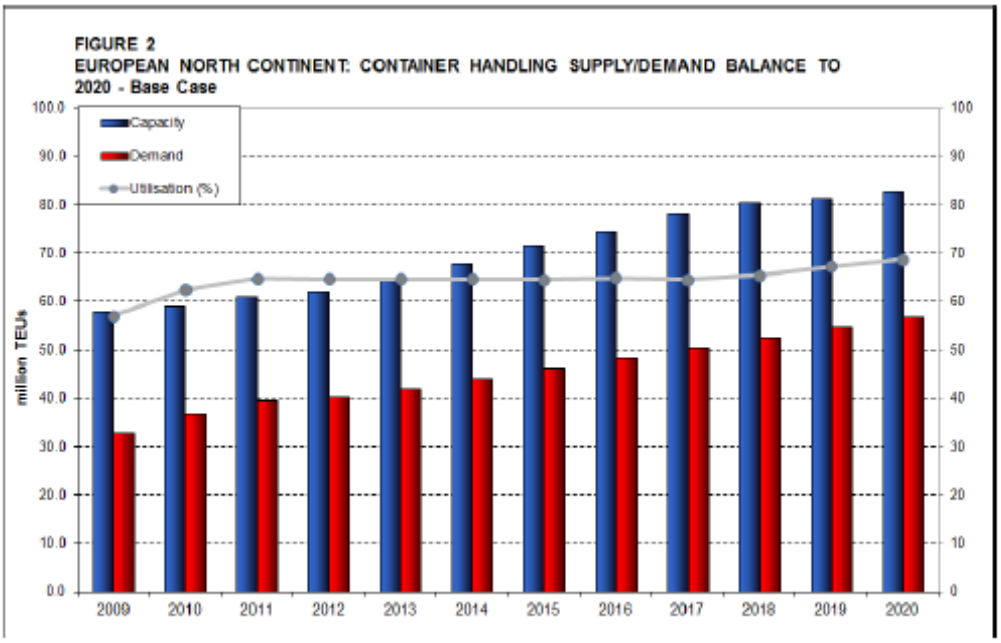
mTEUS/year		2005	2010	2015
North Continent East	Capacity	12.95	21.70	23.80
	Demand	11.42	17.06	23.63
	Utilisation	*88.2 %*	*78.6 %*	*99.3 %*
North Continent West	Capacity	24.18	45.64	51.14
	Demand	18.52	25.41	32.89
	Utilisation	*76.6 %*	*74.5 %*	*64.3 %*
British Isles	Capacity	11.54	16.79	19.43
	Demand	8.98	12.08	15.91
	Utilisation	*77.8 %*	*72.0 %*	*81.9 %*
Scandinavia	Capacity	5.13	6.56	6.51
	Demand	3.63	4.35	5.05
	Utilisation	*70.7 %*	*66.3 %*	*77.5 %*
East Baltic	Capacity	3.13	6.51	8.89
	Demand	2.17	4.59	7.18
	Utilisation	*69.2 %*	*70.5 %*	*80.8 %*

mTEUS/year		2005	2010	2015
West Mediterranean	Capacity	12.67	23.74	30.78
	Demand	10.51	16.81	24.03
	Utilisation	*82.9 %*	*70.8 %*	*78.1 %*
Central Mediterranean	Capacity	15.53	24.42	29.37
	Demand	12.06	18.18	26.32
	Utilisation	*77.7 %*	*74.5 %*	*89.6 %*
East Mediterranean and Black Sea	Capacity	13.37	25.50	29.21
	Demand	12.30	21.22	32.83
	Utilisation	*92.0 %*	*83.2 %*	*112.4 %*

Source: Ocean Shipping Consultants, 2006

Ocean Shipping Consultants (2012), North European Container Ports Market

In the update study in 2012 (post crisis) OSC show that capacity utilisation in the European North Continent , despite lower demand between 2010 and 2015, is still likely to reach 70% by 2020 in their base case forecast.



Source: North European Container Ports Market, Ocean Shipping Consultants, 2012

The time-series shows how the capacity utilisation has stabilised at around 65% in 2012-2013, which coincides with the impression derived from the impact assessment consultation that European ports have sufficient maritime capacity today. However, the outlook shows that after a period of rapid capacity expansion lasting until around 2018, utilisation rates will start to reach 70% again by 2020.

4.3 Demand/Supply Balance – Conclusions

Market research studies (as shown above) indicate that the supply/demand balance for container transport in Europe has shifted from the range 70-90% in 2005, to around 60-70% in 2010, since growth has slowed sharply between 2008 and 2010. On the supply side, many major container investments such as the Maasvlakte II terminal in Rotterdam and the Jade-Weser terminal in Northern Germany are starting to become operational. While this alleviates capacity shortages today, the planning horizon needs to be longer.

Demand levels can be restored steadily, and shipping capacity can be added at short notice, but adding port capacity is more difficult. A.A. Pallis[54] demonstrated that port developments in Europe have faced lengthy delays, both in the initial planning and in the implementation. Several approved plans have never been realised, and many others have failed to win approval. Maasvlakte II has taken over twenty years from initial plans to realisation.

Existing port terminals may also face setbacks. In Hamburg, for example, capacity development has been hindered by disagreements over plans to dredge the River Elbe for the first time since 1999[55].

[54] Pallis, A.A., (2009). "Port developments in Europe: Trends and policies". ODU Maritime Institute Speaker Series at the Nauticus National Maritime Center, Norfolk Virginia, USA, March 2009

[55] De Spiegel, December 2012

Without dredging, the port would become less attractive for some carriers particularly on Far East routes, potentially reducing choice and creating bottlenecks elsewhere.

On balance, however, the OSC (2012) study shows that these North European developments will stabilise between 2015 and 2020, leaving utilisation rates at around 70%. By 2020 the market is predicted to be experiencing growth in demand, but the foreseeable investment projects will have been realised.

In 2010 European container port throughput is at a level of 81m TEU (Source ESPO). With 85% growth as predicted for 2030, container throughput demand will increase to 149m TEU in Europe. Current utilisation rates imply that total capacity today is around 115m TEU.

Including the Maasvlakte II, development in Rotterdam, OSC predict that North European supply will increase by around 20m TEU. A further 10m TEU increase in other regions is likely, but not at the same scale. For example, more typically, Barcelona is adding 2.65m TEU at the BEST terminal.

On this basis it is plausible that capacity in EU container terminals will reach 145-155 million TEU based on existing planned developments. The changing requirements of shipping companies will also dictate that some existing capacity becomes obsolete.

With demand at 149m TEU in 2030 and capacity also reaching 145-155m TEU, it can be demonstrated that the supply/demand utilisation rate will reach the congestion threshold of 80% before 2030, and by 2030 the utilisation rate will exceed 95% in some regions.

ANNEX: OPTIMAR (2010) SWOT ANALYSIS OF THE EU PORT SYTEM

See: http://ec.europa.eu/transport/modes/maritime/studies/maritime_en.htm

Port, logistic systems ie the EU industry and society				
Segment	Strengths	Weaknesses	Opportunities	Threats
Liquid Cargo	There is a good balance between port facilities and demand outlook, but for LNG. Ship capacity will be plenty.	Too few regasification facilities in certain areas (eg UK, Italy and Spain), compared to expected supply of LNG.	Potential volumes of renewable liquid fuels and/or volumes from deep sea offshore fields.	Too high dependence of deliveries of liquids from Russia. Particularly shipment in ice conditions is pressured by lack of skilled seamen.
Comments 2010	The severe winter 2009/10 revealed the lack of both skilled seafarers and ice classed tonnage for transports in the Baltic Sea, despite the negative impact of the recession.			
Dry Cargo	There is a good balance between port facilities and demand outlook. Ship capacity will be plenty.	There could be regional capacity shortages in export facilities in the Eastern Baltic.	There exists many opportunities if more dry bulk will be delivered from Russia. Ukraine and Black Sea countries to export more grain. Demand for raw materials to use as bio-fuels increases the shipping traffic.	Russia wants to use solely their own ports for bulk handling – thus taking away business from the ports in Eastern EU.
Comments 2010	The recession pushed the volume development forward.			
Container; all regions	There will be enough ship capacity and networks will continue to develop favourably	Space demanding	New systems of feedering from the large mega carriers	Some ports may be discarded by the global operators
Comments 2010	During the recession, several infrastructure development projects were postponed or put on hold, while a few were continued. Many liner routes were changed and/or rescheduled.			
Container; East Mediterranean region	Spacious port areas in several ports.	Investment needs to increase capacity and efficiency. Different institutional set-ups in eastern ports.	Transhipment of Russian cargo. Increased traffic with Turkey and Black Sea countries. Increased traffic with North African Coast. Developments of the Balkan countries. Mid Europe supply through Adriatic ports instead of traditional North European ports.	Increased protectionism from Russia and thus a wish to use own ports even more. Limited capacity of the Bosphorus strait. Unrest and instability of Levant countries like Israel and Lebanon.
Comments 2010	Much of the above is still valid.			
Container; West Mediterranean region & Atlantic arc	Several ports highly efficient. Ample transhipment capacity.	Unstable labour relations in ports. Italian port capacity constraints.	Increased intra-European traffic through motorways of the sea. New port capacity in north African countries (ie. Tangier), provides more capacity for shippers. Opportunity for involved port operators. New traffic trades with North Africa Coast.	New port capacity in north African countries (ie. Tangier), threat to some port operators. Direct calls to north African countries will reduce today's transhipment in European ports.
Comments 2010	Tangier transhipment is now established to some extent.			
Container; North Sea region	Several ports highly efficient.	Capacity shortages in ports mounting despite investments. Unstable labour relations in ports. Hinterland connections under stress due to growing seaports.	Increased transhipment of Russian cargo.	Investments facing environmental challenges. Russian cargo transhipped in the Mediterranean or in the Baltic sea in the future
Comments 2010	As in many placed and also as mentioned above several infrastructure development projects were postponed or put on hold, while a few were continued. Capacity shortages in terminals and hinterland still an issue in some key ports.			
Container; Baltic Sea region	Ample transhipment capacity.	Unstable labour relations in ports.	Transhipment of Russian cargo.	Capacity shortages in German ports. Areas are to small and new investments faces large
Comments 2010	Labour relations have stabilised during the recession.			

ANNEX VIII:

Reference forecast – NEAC Trade Model

(see also Annex VII, Section III)

Port to port flows of maritime traffic (estimations 2005-2030)

Table -15: Maritime O/D, 2005, Millions of Tonnes per annum

2005 Tonnages; Coastline to Coastline flows

TOTAL	BALKANS	BLACK SEA	BRITAIN	CYPRUS	FRANCE ATL	FRANCE MED	HMB-LEHAV	IBERIA	ICELAND	IRELAND	ITALY	MALTA	NON EUR MED	NORDIC	REST OF WORLD	S BALTIC	TURKEY MED	TOTAL
BALKANS	10.065	4.168	0.649	1.387	0.013	0.271	1.199	0.940	0.000	0.024	7.807	0.259	2.401	0.183	11.943	0.069	2.725	44.102
BLACK SEA	12.499	20.964	1.101	1.153	0.840	2.637	2.463	2.787	0.000	0.019	8.144	0.596	9.377	0.433	28.894	1.593	14.149	107.652
BRITAIN	0.545	1.233	39.800	0.234	0.785	0.139	19.488	6.701	0.171	11.390	0.177	0.623	0.184	7.689	42.087	2.119	0.723	134.087
CYPRUS	1.302	0.021	0.080	0.000	0.001	0.006	0.180	0.116	0.000	0.003	0.101	0.000	0.053	0.016	0.000	0.000	0.102	1.982
FRANCE ATL	0.089	0.056	1.127	0.002	2.742	0.256	7.227	2.122	0.001	0.198	0.288	0.010	0.038	0.799	6.815	0.108	0.027	21.903
FRANCE MED	0.256	0.505	0.111	0.063	0.287	1.084	1.291	2.170	0.000	0.028	1.162	0.314	0.032	0.204	11.685	0.015	1.116	20.323
HMB-LEHAV	1.676	6.670	33.347	0.604	8.015	1.843	67.068	15.259	1.539	3.403	2.458	0.151	1.420	23.055	146.283	9.789	1.734	324.312
IBERIA	0.681	0.146	2.811	0.132	0.825	1.229	7.974	20.093	0.035	0.248	2.091	0.196	0.188	2.183	26.887	0.246	1.037	67.003
ICELAND	0.002	0.000	0.111	0.000	0.001	0.000	0.960	0.095	0.000	0.027	0.000	0.000	0.000	0.286	0.000	0.008	0.000	1.490
IRELAND	0.008	0.011	10.677	0.027	0.176	0.015	1.798	1.382	0.035	0.340	0.026	0.022	0.001	1.295	2.551	0.095	0.000	18.462
ITALY	5.829	2.450	0.283	1.822	0.677	2.324	1.154	5.703	0.000	0.009	22.241	1.742	0.396	0.111	51.719	0.034	4.445	100.940
MALTA	0.003	0.008	0.003	0.000	0.000	1.450	0.000	0.068	0.000	0.000	0.341	0.000	0.035	0.000	0.000	0.000	0.253	2.162
NON EUR MED	1.906	11.065	0.042	0.334	0.005	0.018	0.229	0.505	0.000	0.005	0.355	0.003	1.044	0.217	14.603	0.006	3.107	33.443
NORDIC	0.235	2.399	41.937	0.018	1.082	0.188	62.675	4.721	1.321	2.178	0.429	0.016	1.116	47.702	37.290	19.337	0.397	223.041
REST OF WORLD	16.261	33.269	78.959	0.003	8.232	22.454	273.030	113.877	0.000	15.994	91.709	0.000	10.882	25.651	11.483	5.198	14.244	721.247
S BALTIC	0.126	2.386	18.390	0.057	1.434	0.080	39.078	5.956	0.053	1.170	0.257	0.002	0.133	35.903	13.445	21.644	0.060	140.173
TURKEY MED	2.206	7.184	0.842	1.419	0.008	0.054	0.874	0.988	0.000	0.002	3.514	0.097	5.681	0.216	11.738	0.010	8.146	42.978
TOTAL	53.693	92.533	230.270	7.254	25.124	34.048	486.687	183.482	3.157	35.039	141.099	4.031	32.981	145.943	417.423	60.270	52.266	2,005.299

Table -16: maritime O/D, 2030, Millions of Tonnes per annum

2030 Tonnages; Coastline to Coastline flows

TOTAL	BALKANS	BLACK SEA	BRITAIN	CYPRUS	FRANCE ATL	FRANCE MED	HMB-LEHAV	IBERIA	ICELAND	IRELAND	ITALY	MALTA	NON EUR MED	NORDIC	REST OF WORLD	S BALTIC	TURKEY MED	TOTAL
BALKANS	12.268	7.173	0.863	1.629	0.015	0.312	1.387	1.112	0.000	0.026	9.383	0.271	3.631	0.233	17.660	0.115	6.612	62.690
BLACK SEA	18.224	47.347	1.509	1.706	0.900	3.140	3.078	3.386	0.000	0.030	11.850	0.656	21.994	0.756	73.054	3.754	34.660	226.044
BRITAIN	0.725	2.026	45.077	0.263	0.866	0.160	21.790	7.392	0.186	12.951	0.199	0.647	0.241	8.454	47.522	2.862	1.311	152.671
CYPRUS	1.515	0.029	0.088	0.000	0.001	0.007	0.220	0.128	0.000	0.004	0.119	0.000	0.085	0.019	0.000	0.000	0.180	2.395
FRANCE ATL	0.101	0.080	1.267	0.003	3.380	0.311	8.633	2.533	0.001	0.270	0.333	0.012	0.054	0.943	7.780	0.171	0.046	25.919
FRANCE MED	0.288	0.873	0.124	0.071	0.348	1.301	1.513	2.528	0.000	0.035	1.327	0.316	0.048	0.245	13.077	0.023	1.810	23.929
HMB-LEHAV	1.991	12.315	40.435	0.794	9.584	2.135	74.340	18.191	2.163	4.640	2.763	0.165	2.147	28.405	199.243	10.822	3.210	413.344
IBERIA	0.907	0.226	3.194	0.166	0.968	1.448	9.335	22.441	0.047	0.301	2.612	0.215	0.270	2.598	34.992	0.384	2.162	82.267
ICELAND	0.005	0.000	0.169	0.000	0.001	0.000	1.341	0.123	0.000	0.041	0.000	0.000	0.000	0.500	0.000	0.016	0.001	2.196
IRELAND	0.010	0.014	11.824	0.032	0.196	0.016	2.306	1.486	0.062	0.402	0.029	0.023	0.002	1.688	3.330	0.152	0.000	21.574
ITALY	7.777	3.209	0.315	2.044	0.763	2.582	1.290	6.393	0.000	0.013	25.385	1.866	0.513	0.135	62.879	0.042	8.169	123.376
MALTA	0.005	0.009	0.004	0.000	0.000	1.450	0.000	0.068	0.000	0.000	0.363	0.000	0.044	0.000	0.000	0.000	0.328	2.271
NON EUR MED	2.547	19.987	0.054	0.682	0.007	0.025	0.290	0.639	0.000	0.007	0.441	0.006	1.806	0.319	27.019	0.006	5.419	59.256
NORDIC	0.301	4.206	44.656	0.025	1.196	0.231	70.549	5.918	1.699	2.331	0.466	0.018	1.495	57.976	46.835	25.696	0.700	264.300
REST OF WORLD	24.523	47.066	98.866	0.005	9.887	24.593	358.648	138.493	0.000	24.266	118.146	0.000	17.044	35.238	17.913	8.580	31.947	955.213
S BALTIC	0.167	3.279	22.397	0.080	1.639	0.111	44.788	8.762	0.087	1.548	0.321	0.003	0.227	46.623	24.138	30.348	0.091	184.608
TURKEY MED	3.606	14.369	1.550	1.778	0.012	0.063	1.653	1.713	0.000	0.004	6.299	0.130	11.012	0.397	23.812	0.015	14.283	80.695
TOTAL	74.959	162.208	272.391	9.278	29.763	37.886	601.162	221.309	4.246	46.870	180.036	4.330	60.613	184.528	599.255	82.985	110.931	2,682.749

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COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council

establishing a framework on the market access to port services and the financial transparency of ports

{COM(2013) 296}
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{SWD(2013) 183}

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ANNEX IX:

Administrative cost calculation (PWC, 2013)

The first section of this Annex explains the general assumptions in line with the IA Guidelines for determining the potential administrative impact. In section two, one can find the general appreciation related to administrative costs for the different policy measures. Section three explains the baseline and in section four the overall assessment is made for the different policy packages.

The final and detailed results of the administrative cost calculation comparing each of the policy packages to the baseline can be found at the end of this annex, in tables 27 and 28, pages 29-30.

General assumptions for administrative cost calculation

From an administrative cost point of view, the situation of ports is different between Member States. This means that reasonable assumptions on the number of stakeholders and frequency with which they will potentially be affected need to be constructed.

Number of ports

The considered policies will apply to TEN-T ports which include Comprehensive[1] TEN-T ports and Core TEN-T ports. Based on most recent available documents (still under negotiation) there are 319 TEN-T ports in Europe. These include 94 Core TEN-T ports and 225 Comprehensive TEN-T ports.

Nature of ports

The large majority of European ports are publicly owned. Hence administrative burden to the port managing body is assumed to result in administrative cost to the public sector.

Number of service providers

Table 1 presents the outcome of the Survey Phase 1 on the type of operators which are responsible for providing different port services in European ports.

In case the port service is awarded to more than one private operator, it is actually unknown the total number of awarded contracts. However it can be reasonably assumed that in the large majority of case the contracts are actually awarded to two operators. In case of "Cargo handling ship-shore/stevedoring" and "Cargo handling shore-inland transport", we assume that the contracts are awarded to 10 operators; finally in the case of "passenger services" it is assumed that the number of private providers is 3. Table 2 provides an estimation of the number of service providers by category in all the TEN-T ports.

[1] Comprehensive TEN-T: The total annual passenger traffic volume exceeds 0,1 % of the total annual passenger traffic volume of all maritime ports of the Union and/or The total annual cargo volume – either for bulk or for non-bulk cargo handling – exceeds 0,1% of the corresponding total annual cargo volume handled in all maritime ports of the Union. The reference amount for this total volume is the three-year average2008-2009-2010 based on the statistics published by Eurostat.

Table 1 – Port services providers by category in TEN-T ports – Survey Phase 1

Port service	Port authorities	Other Public	One private	Two or more	Other/Not specified	Total number of ports
Pilotage inside port area	39	39	86	11	26	197
Pilotage outside port area	20	48	49	16	50	179
Towage inside port area	19	1	77	68	7	172
Towage outside port area	7	0	49	71	37	164
Mooring	22	5	104	57	10	198
Dredging inside port area	58	8	16	45	48	175
Provision of waste reception facilities	38	9	44	62	33	185
Cargo handling ship-shore/stevedoring	14	7	24	117	18	179
Cargo handling shore-inland transport	7	5	20	122	27	181
Warehousing	14	4	15	128	22	182
Passenger services	11	2	8	26	1	48
Rail terminal operations	10	20	25	77	48	180
Port security services	79	19	13	67	7	184
Bunkering	1	2	25	105	28	161
Ice-breaking	14	5	3	18	127	167

Table 2 – Assumption: Number of port services contracts by category in all TEN-T ports

Port service	Port authorities	Other Public	One private	Two or more	Total number of port service contracts	Total number of ports
Pilotage inside port area	73	73	160	41	346	319
Pilotage outside port area	49	118	120	78	365	319
Towage inside port area	37	2	149	263	450	319
Towage outside port area	18	0	123	357	497	319
Mooring	37	8	176	193	416	319
Dredging inside port area	146	20	40	226	432	319
Provision of waste reception facilities	80	19	92	260	451	319
Cargo handling ship-shore/stevedoring	28	14	48	2317	2406	319
Cargo handling shore-inland transport	15	10	41	2527	2593	319
Warehousing	28	8	30	2550	2616	319
Passenger services	75	14	54	529	672	319
Rail terminal operations	24	48	60	372	505	319

Number of awarded services contracts with value above 5 Million euro

For the purpose of this analysis the following assumptions are made:

- 70% of the service contracts present a value above 5 million Euro
- Contracts are assumed to have different average duration according to the type of port services (see table below).

Total number of awarded contracts in EU is assumed to be the number of contracts which have been currently awarded to private operators.

Table 3 – Service contracts above 5 million Euro threshold

Port service	Estimation: total number of awarded contracts in EU	Estimation: number of awarded contracts in EU > 5 million Euro	Assumption: duration of contracts (years)
Pilotage inside port area	201	141	10
Pilotage outside port area	199	139	10
Towage inside port area	412	288	10
Towage outside port area	480	336	10
Mooring	370	259	5
Dredging inside port area	266	186	5
Provision of waste reception facilities	352	247	20
Cargo handling ship-shore/stevedoring	2364	1655	25
Cargo handling shore-inland transport	2569	1798	25
Warehousing	2580	1806	25
Passenger services	584	409	25
Rail terminal operations	433	303	25
Port security services	265	185	5
Bunkering	564	395	15
Ice-breaking	311	218	10

Services linked to PSO, space constraints and "normal services"

The definition of what is a port services contracts linked to space constraints or a "normal service" should be done port by port. However since this is not possible, table 3 provides an estimation based on reasonable assumptions.

Table 4 – Estimation of number of port services contracts linked to PSO, space constraints and "normal services"

Port service	Assumptions			Estimation		
	PSO	Space constraints	Normal	PSO	Space constraints	Normal
Pilotage inside port area	100%	0%	0%	346	0	0
Pilotage outside port area	100%	0%	0%	365	0	0
Towage inside port area	70%	0%	30%	315	0	135
Towage outside port area	70%	0%	30%	348	0	149
Mooring	20%	0%	80%	83	0	333
Dredging inside port area	0%	100%	0%	0	432	0
Provision of waste reception facilities	50%	50%	0%	225	225	0
Cargo handling ship-shore/stevedoring	20%	70%	10%	481	1684	241
Cargo handling shore-inland transport	20%	70%	10%	519	1815	259
Warehousing	20%	70%	10%	523	1831	262
Passenger services	20%	70%	10%	134	470	67
Rail terminal operations	0%	100%	0%	0	505	0
Port security services	0%	100%	0%	0	441	0
Bunkering	20%	0%	80%	114	0	457
Ice-breaking	90%	0%	10%	416	0	46

Terminal and port services awarded with public tendering procedures

As shown in figure 1, respondents to Survey Phase 1 reported that public tendering or competitive bidding is widely used in ports. More precisely it can be used for awarding or renewing a contract in the large majority of ports (86%) when a port service contract is awarded and in almost 3 out of 4 ports (71%) when a terminal contract is awarded. This way, an assumption on the overall number of contracts that are currently awarded with tendering procedures and the number of contracts that potentially will be awarded with tendering procedures in the future can be made.

Figure 1 - type of awarding or renewal process for main terminals and port service contracts

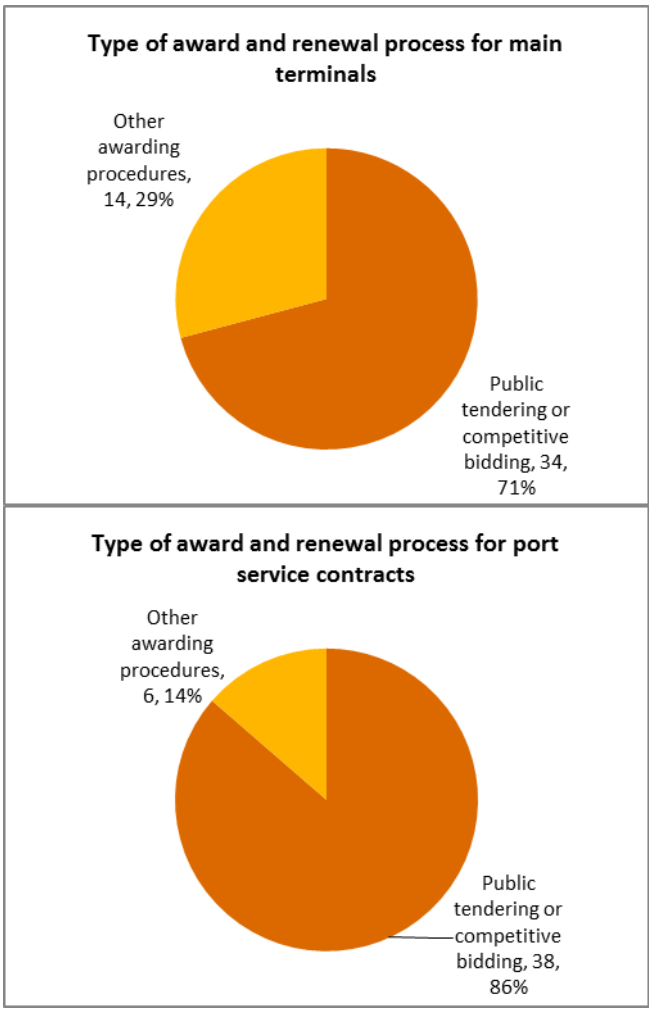


Table 5 – Estimation of number of port services contracts currently awarded with public tendering procedures

Port service	Estimation: contracts awarded with public tendering		
	PSO	Space constraints	Normal
Pilotage inside port area	298	0	0
Pilotage outside port area	314	0	0
Towage inside port area	271	0	116
Towage outside port area	299	0	128
Mooring	72	0	286
Dredging inside port area	0	372	0
Provision of waste reception facilities	194	194	0
Cargo handling ship-shore/stevedoring	342	1196	171
Cargo handling shore-inland transport	368	1289	184
Warehousing	371	1300	186
Passenger services	95	334	48
Rail terminal operations	0	359	0
Port security services	0	380	0
Bunkering	98	0	393
Ice-breaking	358	0	40

Port services provided in house and port services awarded with exclusive rights

Table 6 presents the number of port service provided in house by the port managing body in European ports according to respondents of Survey Phase 1. Table 6 also provides the number of port services awarded with exclusive rights to either a private or public operator other than the port authority.

In the case of cargo handling and passenger services, it is assumed that the services directly awarded with exclusively right are given by the total number of services provided by private operators multiplied by the share of services not awarded with public tendering.

Unit labour cost and overhead cost

The PwC study on Public procurement in Europe[2] provides an estimation of the typical man-day cost for carrying out administrative activities: the study suggests an inclusive man-day cost of 250 Euro for authorities and of 193 Euro for firms. The cost includes labour cost and typical overhead costs.

Unit cost for public tendering

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 define the procurement procedures of entities operating in the transport and other services sectors of public interest. A recent PwC study on Public procurement in Europe[3] provides information on efforts and costs by authorities and firms in managing and taking part to tendering process. A typical tender process effort by an administration in the port sector is 24 man-days. Firms that will take part to the tender will incur in one off costs for the submission of document(s) related to selection criteria and exclusion criteria. Their effort is estimated to be 16 man-days per firm. Considering that on average 5.9 firms take part at each competition in the port sector, it can be assumed that each procurement will involve an effort of 94.4 man-days by the private sector. Hence it can be assumed that each service contract to be procured will generate one off costs to the port managing body or other relevant administration of 6,000 Euro. The overall cost to the business is estimated at 18,219 Euro.

[2] PwC, London Economics and Ecorys, Public procurement in Europe, Cost and effectiveness, Prepared for the European Commission, March 2011

[3] Ibidem.

Table 6 – Estimation of number of port services provided in house and awarded with exclusive rights

Port service	Survey findings		Overall estimation		
	Provided in house	Provided by other public entity	Provided in house	Provided by other public entity	Provided by other operator
Pilotage inside port area	39	39	73	73	201
Pilotage outside port area	20	48	49	118	199
Towage inside port area	19	1	37	2	412
Towage outside port area	7	0	18	0	480
Mooring	22	5	37	8	37
Dredging inside port area	58	8	146	20	266
Provision of waste reception facilities	38	9	80	19	352
Cargo handling ship-shore/stevedoring	14	7	28	14	2124
Cargo handling shore-inland transport	7	5	15	10	2309
Warehousing	14	4	28	8	2318
Passenger services	11	2	75	14	517
Rail terminal operations	10	20	24	48	433
Port security services	79	19	142	34	265
Bunkering	1	2	2	5	564
Ice-breaking	14	5	112	40	265

Unit cost for public tendering in case of imposition of two operators

For services linked to space constraints, it has been considered to impose the obligation to have at least 2 operators and the obligation of public tendering for new contracts except below a certain threshold (for small contracts).

In case of occurrence of such circumstances the cost for public tendering will be doubled.

Unit cost for public tendering in case of major contract changes

For the aim of the analysis it is assumed that 1 out of 20 contracts will be re-tendered following major changes to be considered on the value of the contracts or on the services to be provided. On average this is expected to happen at half of the initially stipulated duration of the contract.

Hence under this measure it is expected that both the public sector and the business will anticipate part of the tendering procedures. On annual average this is expected to result in an increase of 2.5% of the tendering costs for both parties.

Unit cost for port service tariff definition

The process for the price setting of each regulated service potentially involves one or more national authorities, the port managing body, the port service provider and the industry and users representatives.

For the aim of this analysis we consider three different situations:

- Services directly awarded to a private port service provider
- Services carried out in house by the port managing body
- Services carried out by another public body/entity

In all cases it is assumed that every 2 years a report which summarises the prospect of the costs and revenues of the activity will be produced. Port managing body and other authority are responsible for auditing these reports. Also the industry associations are involved in the auditing of the report. All the mentioned parties are required to attend a couple of meetings to negotiate the service tariff.

For the aim of the analysis the recurrent effort to be sustained by who provides the service is assumed to be 10 man-days for the preparation of the report and 2 man-days for attending 2 meetings.

The port managing body is assumed to allocate 5 man-days as for other public authorities.

Finally industry associations and users' representative are assumed to allocate 12 man-days for auditing the report and attending the meetings.

Hence, in the case of direct award, the cost for occurrence to the public sector can be quantified at 2,500 Euro (recurrent every about 2 years). The overall recurrent cost to the business is quantifiable at 4,632 Euro (recurrent every about 2 years).

In case of services provided in house or by another public entity, the cost for occurrence to the public sector can be quantified at 5,500 Euro (recurrent every about 2 years). The overall recurrent cost to the business is quantifiable at 2,316 Euro (recurrent every about 2 years).

In addition a one off cost should be considered for the first year of application or modification of the procedure for tariff definition. The one off effort is expected to be as high as 50% of the recurrent effort sustained by all parties each time the tariff is reviewed.

Unit cost of separation of accounts

The separation of accounts involve one off costs to the managing body for the definition of the new accounting system and for updating the accounting IT system. These costs will vary according to the size of the company and the number of accounting operations to be performed. Typical cost can be assumed to be in the region of 60,000 – 90,000 Euro; on average 75,000 Euro.

Recurrent costs for the preparation of separate accounts are small or not relevant.

Unit cost of functional separation

Legal separation of public functions from commercial functions linked to the provision of port services into independent entities will generate new administrative costs to the port managing bodies.

Expected administrative costs mainly concern the provision set out by three different Council directives:

- "Second Directive": Incorporation of public limited liability companies and the maintenance and alteration of their capital.
- "Sixth Directive": Division of public limited liability companies.
- "Seventh Directive": Consolidated accounts of limited liability companies.

Indeed, the port managing body will incur one off costs for the division of its activities and the incorporation of the new legal entities. In addition the port managing body will incur recurrent costs for the preparation of consolidated accounts.

Findings from the EU Project on Baseline Measurement and Reduction of Administrative Costs[4] provide for average figures on administrative costs incurred by European firms in responding to requirements set by the above mentioned directives.

The average administrative cost met by firms in case of division is assumed to be 36,093 Euro per occurrence. The incorporation of each new legal entity will result in one off costs of 11,045 Euro.

The functional separation will also involve the preparation of dedicated accounts for the new business unit. The one off cost for the definition of the new system is assumed to be equal as for the separation of accounts (i.e. 75,000 Euro). Recurrent costs are not expected with this regard.

In addition each managing body will incur recurrent costs for the preparation of consolidated accounts. The recurrent average expense per port is assumed to be 3,816 Euro per year.

[4] Measurement data and analysis, Priority Area Annual Accounts/Company Law, EU Project On Baseline Measurement and Reduction of Administrative Costs, February 2009

Finally the implementation of a new structure of governance and management for each new legal entity will generate substantial costs. The costs will depend on the size of the new company and might include the appointment of an administrator and of a board of directors. Statistics on additional cost of governance for a new company resulting from a legal separation are not available; however these are reasonable assumed to be on the region of 130,000 – 150,000 Euro per year.

In summary each functional separation will generate recurrent costs that for the port managing body are quantifiable at 215,000 Euro/year. The one off costs per occurrence are expected to be 50,954 Euro.

Financial transparency between public and port authorities

The preparation of accounts which allow for identifying any financial flow (grants, loans guarantees, equity share etc.) from public authorities to the port authority do not imply the adoption of a new accounting system. It is assumed that port managing staff will allocate an extra effort of 10 man-days for comply with the new transparency requirements. Hence the average annual cost per port is assumed to be 2,500 Euro.

Unit cost for port dues definition

The process for the definition of port infrastructure charges or dues can involve one or more national authority and the port managing body. Optionally, the process could involve also port users' representatives, nevertheless this has not been considered in this analysis.

For the aim of this analysis we consider three different situations:

- 33% of ports where dues are defined by the port managing body but where the competent authority is responsible for auditing, reviewing and finally approving the dues.
- 33% of ports where dues are defined by the competent authority; however a relevant effort by the port managing bodies is also expected.
- 33% of ports where dues are defined by port managing bodies with not relevant involvement of other parties.

Under the first case, the port managing body is required to produce every 5 years a report which summarises the prospect of the costs and revenues of the port activity. Local or national authorities are responsible for auditing the report provided by the port managing body. All the mentioned parties are required to attend a number of meetings to negotiate the port dues or charges.

For the aim of the analysis, it is assumed that the port managing body allocate 20 man-days for the preparation of the report. The local and national authorities allocate further 20 man-days for the auditing of the report. Finally all parties are expected to allocate 20 man-days for attending different meetings.

Hence the cost for occurrence to the public sector can be quantified at 15,000 Euro (recurrent every about 5 years).

Under the second case it is assumed that the effort will be shared in different ways between the parties involved. Nevertheless the overall effort in terms of man-days and costs is as for the first case.

Finally under the third case, the port managing body defines the port dues in autonomy. The effort is expected to be lower if compared to the previous cases, but probably more frequent. It is assumed that 5 man-days are allocated annually to this activity. The recurrent cost to the public sector is thus estimated at 1,250 Euros per year.

In case of modification of the rules for the definition of the port dues it is assumed that the cost is one-off doubled.

Unit cost of central port coordination

This activity involves regular exchange of information between port service providers and public authorities and the attendance to a couple of meetings per year. It is assumed that this activity is already carried out in one way or the other in all TEN-T ports. For the aim of the analysis it is assumed that public authorities (including the port managing body) dedicate 40 man-days per year to coordination of port services. The private business and in particular port service providers are assumed to allocate 2 man-days per each year. Assuming that on overage there are 20 service providers in each port, the overall effort is expected to be 40 man-days per year.

The unit cost per port to the public sector is expected to be 10,000 Euro/year. The unit cost per port to the private businesses is estimated to be 7,200 Euro/year.

Following the formal appointment of the port managing body as the coordinator of the port services in each port, it is expected that its administrative burden is slightly increased. It is assumed that all Member States and ports have already similar instruments in place, however, in a relevant number of cases it is expected that the practice in use need substantial further development. For the aim of this analysis it is assumed that on average the annual cost to the port managing body will increase by 40%. Hence the recurrent additional administrative cost to the public sector is expected to be 4,000 Euro per year.

The businesses are assumed not to experience any additional administrative cost compared to the baseline scenario.

Unit cost of port users' committee

A port users' committee involves the participation of port service providers, shipping companies and land transport operators. In addition also the port managing body and other maritime authorities are involved. The activity is assumed to include the organisation of a couple of meetings per year.

It is assumed that this activity is already currently carried out in about 50% of all TEN-T ports. For the aim of the analysis it is assumed that public authorities (including the port managing body) dedicate 10 man-days per year to collect claims and suggestions from port services providers and to organise meetings. The private business and in particular port service providers but also port users are assumed to allocate 2 man-days per each year. Assuming that on overage there are 20 service providers and 20 port users in each port willing to actively participate to the works of the committee, the overall effort is expected to be 80 man-days per year.

Hence the unit cost of a port committee to the public sector is assumed to be 5,000 Euro per year. The cost to the businesses is estimated to be 15,440 Euro per year.

Policy measures which imply variations of administrative costs

Relevant policy measures are the following:

Table 7 – Preliminary assessment of administrative burden

Measures	Description	Relevance of administrative costs
1. Freedom to provide services (no restrictions on market access) for "normal services", i-e services other than those linked to public service obligations or space constraints	The freedom to provide service applies and relates to the free entry of any service provider established in the EU. Operators would be authorised on the basis of transparent and non-discriminatory criteria. These criteria would be determined, published and made accessible to all by the Member States.	**Small**: new contracts will be awarded without public tendering. Overall administrative costs are expected to decrease for this measure.
2. Obligation of public tendering for new contracts in the case of public service obligations or space constraints (except for small contracts or urgencies)	Member States and the port authorithies would be allowed to impose restrictions to the freedom to provide service on the ground of objectives reason of space constraint *** or public service obligations**. But in such case, the Member State or the port authority would need to enter into a contractual arrangement with a port service provider to be selected by means of a transparent public tendering procedure (except for small contracts or urgencies)*	**Moderate**: a relevant number of contracts will be awarded with public tendering. This will involve new costs for both the ports and the port service providers.
3. Explain in a Communication from the Commission how existing Treaty rules apply in the case of port services public service obligations or with space constraints	By contrast with other measures relying on binding provisions for Member States, this measure would entail a Communication from the Commission to explain how the principle of non-discrimination and free establishment result in an obligation of transparency and equual treatment (teleaustria ruling) and how it can be applied in practices to arrangements/contracts awarded to port service operators.	**Small**: this is expected to affect a minority of ports.
4. Impose the obligation to have at least 2 operators for services linked to space constraints to be selected after a public tender for new contracts (except for small contracts or urgencies)	In the case of port services subject to space constraints the port authority or the Member State needs to assure that there are at least 2 competing and independent operators. A public tendering obligations is imposed.	**Small / moderate**: as for measure 2, public tendering involve new administrative costs. Nevertheless this should apply to a restricted number of cases.

5. Obligation of public tendering in case of substantial changes of existing contracts linked to public service obligations or space constraints	Same as measure 2 but in addition the obligation of public tendering in will apply also in case of substantial modification of existing contracts/arrangements. A substantial modification would entail a modification of at least e.g. 30% of the value of the contract/arrangement and/or a change of the nature of activity.	**Small:** as for measure 2, public tendering involve new administrative costs. Nevertheless this cost is only anticipated and it will apply to a limited number of cases.
6.Confinement for internal operators of port services	In the event that a port or public authority is performing (commercial) port services in-house [as a derogation to the freedom to provide service and the application of a public tendering procedure (cf measures 1,2,3 and 5)], the operation of the service shall be confined to the dedicated port, or group of ports, serviced by the port managing body or the authority, and consequently the internal provider cannot offer the service outside of the port or group of ports. This will avoid that operators which can benefit from potential cross-subsidies enjoy unfair competitive advantages.	**Not relvant**: no new administrative costs are envisaged
7. Rules on the price of port services provided by operators in monopolistic position	Derogating from the general rule of freedom to provide service (cf measure 1) could leave the service provided by internal operators or operators with exclusive/special rights with an insufficient (or non existing) competitive pressure. To avoid price abuses, this measure would impose basic principles on pricing, namely proportionality (cost based), transparency and non-discrimination (with possibilities to apply commercial rebates if accessible to all users). The Member State will need to designate a regulatory authority (eg an existing competition authority) to deal with the oversight and complaints by port service users.	**Moderate**: in all or in the large majority of ports the prices of port services are defined according to national or local rules. Redefining the prices according to common European priciples will involve minor additional costs.
8. Rules on the price of port services provided by operators in monopolistic position for which no public tender is organised	The measure will be the same as measure 7 except that it would apply only to services for which no public tender applies and therefore for which the market cannot be contested at the end of the contract. If the market cannot be contested at the end of the contract by means of a public tender, the competitive pressure is indeed weaker. The scope is therefore more limited than measure 7 and focus where the likelihood of absence of competitive pressure is higher	**Small**: as for measure 7, but a smaller number of cases will be considered.

9. Central Port Coordination	In a free market situation, there is a possible proliferation of port service providers. This will lead to potential conflicts between the different service providers. Therefore, the MS will be obliged to ensure a central port coordination in every port to ensure the seamless and safe operation during entry and exit of the port and inside the port.	**Small/moderate**: central port coordination is one of the typical functions of the port managing body. Having this measure in place will involve an higher efort on this matter for some ports.
10. Port users' committee	A port users' committee would be set up in each port. The committee would facilitate the dialogue between all port actors (users, service providers, authorities) in order to ensure a seamless logistical flow of freight (and passengers) in the port and to and from the hinterland. It would be organised by, but independent from, the port authority (ies). Its precise competences and composition of the committee would be left over to the discretion of the MS or port authority and will include at least the following: • regular consultative role on the structure and level of port dues • ad-hoc consultative role (at the request of the regulatory authority of measures 7 and 8) on possible (price) abuses of port services • recommend an administrative simplification plan. The plan would include performance targets (eg maximum duration of adminsitrative procedure) and issue recommendations on how to organise the sharing and management of data flows related to cargo for intra-port freight movements, allowing shipping lines, terminal oparators, freigth forwarders, shippers and hinterland providers (rail, truck, barge) to organise the movement of cargo (main focus on containers) in the most efficient way.	**Small / moderate**: a large number of ports are expected to have already a port users' committe or similar entities. Thus the cost which is not believed to be high will actually impact a minority of ports.
11. Functional separation	Ports would have to legally separate public functions from commercial functions linked to the provision of port services into independent entities. Obviously, this entails also a full separation of accounts as presented in measure 12, as each of the presented activities would be subject of a different legal entity.	**High**: the cost for legal separation of business functions involve relevant administrative costs. The cost will be incurred by a relevant number of ports.

12. Separation of accounts	Port authorities which receive public funds * would keep an accounting system that allows to identify any financial flow from public authorities to the port authority. The accounting system would also differentiate between the different types of activities carried out by the port authorities (1) port (public) functions and (2) (commercial) service activities and to differentiate between the different (commercial) services provided in order to reveal possible cross-subsidies**. The accounts will have to kept at the disposal of the national and EU competition authorithies in order to help them to identify more easily possible state aids and distorsion of competion between ports and between port service providers.	**Moderate / high**: the cost will be significantly lower if compared to measure 11 but still relvant since it will involve a large number of ports.
13. Financial transparency between public and port authorities	Port authorities which receive public funds * would keep an accounting system that allows to identify any financial flow (grants, loans guarantees, equity share etc.) from public authorities to the port authority. The accounts will have to kept at the disposal of the national and EU competition authorities in order to help them to identify more easily possible distortive state aids.	**Small**: cost will be lower if compared to measure 12.
13. Autonomy of the individual ports to set dues	Each port managing body shall be free to set the structure and level of the port dues (related to the use of the port access infrastructure) as it feels appropriate, provided that the rules applicable below are respected.	**Small**: ports will save on the cost for setting prices according to national/local rules but will incurr new costs to define prices according to commercial rules.
14. Cost-based and differentiated port dues	Binding rules will be introduced to ensure that infrastructure charges respect the principle of proportionality to cost (long term marginal cost-based),. Environmental differentiation of charges will be introduced according to objective criteria left to the Member State.	**Small**: in all or in the large majority of ports the port dues are defined according to national or local rules. Redefining the port dues according to common European rules will involve small costs.
15. Enabling variations of port dues based on the environmental performance	The measure will allow price discrimination if it provides incentives to cleaner transport (cleaner ships/propulsion/fuels, certain short sea shipping). The Commission will also establish non-binding guidelines on how to apply such a variation (e.g. classification to be used).	**Not relvant**: this measure does not involve additional costs compared to measure 14

16. Transparency of port due calculation	The prices and calculation method for port infrastructure access charges related to the public access facility to a port will be made accessible to the port users and the authorities. The method will have to indicate the overall cost components and how the total port dues contribute to recoup it.	**Not relvant**: the publication of the principles for charging does not involve relevant costs.

Measures which present small, moderate or high administrative costs are to be compared against the base line scenario.

Assessment of the administrative burden in the baseline scenario

The considered policy measures are likely to generate additional administrative costs on both the public sector and businesses. However, these costs are likely to increase administrative costs which already incurred by the parties.

There are no one-off costs to be considered under the baseline scenario.

Freedom to provide service for "normal services" - no public tendering

Currently there are contracts for “normal services” which are awarded with tendering procedures. Under this measure the costs that currently are incurred for these tendering procedure will be potentially saved.

Table 8 provides an estimation of the number of “normal contracts” which are currently awarded with public tendering procedures. Furthermore, we provide a calculation of the average annual costs that will be incurred to renew these contracts with public tendering process.

Table 8 – Estimation of the average annual cost currently sustained for awarding “normal service” contracts with tendering procedures

Port service	Assumptions: Number of normal contracts awarded with public tendering			Cost per occurrence (Euro)		Recurrent average cost (Euro / year)	
	Share of normal services to the total	Normal services	Average duration (year)	Public sector	Businesses	Public sector	Businesses
Pilotage inside port area	0%	0	10	0	0	0	0
Pilotage outside port area	0%	0	10	0	0	0	0
Towage inside port area	30%	116	10	697.322	2.117.443	69.732	211.744
Towage outside port area	30%	128	10	769.880	2.337.767	76.988	233.777
Mooring	80%	286	5	1.716.0	5.210.947	343.217	1.042.189

				84			
Dredging inside port area	0%	0	5	0	0	0	0
Provision of waste reception facilities	0%	0	20	0	0	0	0
Cargo handling ship-shore/stevedoring	10%	171	25	1.024.899	3.112.140	40.996	124.486
Cargo handling shore-inland transport	10%	184	25	1.104.801	3.354.764	44.192	134.191
Passenger services	10%	48	25	286.245	869.192	11.450	34.768
Bunkering	80%	393	15	2.356.436	7.155.397	157.096	477.026
TOTAL						743.671	2.258.181

Public tendering for services with a PSO or space constraints

Table 9 reports the estimation of number of relevant port services that have been awarded with public tendering. It is assumed that the tendering cost is to be incurred every time a contract will be renewed.

It is assumed that each service contract to be procured will generate one off costs to the port managing body or other relevant administration of 6,000 Euro. The overall cost to the business is estimated at 18,219 Euro.

However, given different assumptions on the durations of contracts, the table provides an estimation of the annual average recurrent cost to be incurred by different parties for the tendering procedures.

Table 9 – Estimation of the average annual cost currently sustained for awarding service contracts involving PSO and/or Space constraints

Port service	Assumption: Number of PSO and S.C. contracts awarded with public tendering			Cost per occurance (Euro)		Recurrent average cost (Euro / year)	
	PSO and Space constraints >5 M€	Share of tendered contracts	Average duration (years)	Public sector	Businesses	Public sector	Businesses
Pilotage inside port area	121	86%	10	730.688	2.218.757	73.069	221.876
Pilotage outside port area	120	86%	10	722.574	2.194.120	72.257	219.412
Towage inside port area	167	86%	10	1.004.456	3.050.064	100.446	305.006
Towage outside port area	199	86%	10	1.199.122	3.641.175	119.912	364.117
Mooring	22	86%	5	139.995	425.100	27.999	85.020
Dredging inside port area	160	86%	5	966.862	2.935.909	193.372	587.182
Provision of waste reception facilities	212	86%	20	1.277.190	3.878.231	63.860	193.912
Cargo handling ship-shore/stevedoring	1055	71%	25	6.337.123	19.242.885	253.485	769.715
Cargo handling shore-inland transport	1148	71%	25	6.890.380	20.922.867	275.615	836.915
Passenger services	257	71%	25	1.544.488	4.689.890	61.780	187.596
Bunkering	64	86%	15	391.546	1.188.943	26.103	79.263
TOTAL						1.267.898	3.850.014

Rules on the price of port services provided in monopolistic position

Table 10 provides an estimation of the number of contracts awarded with exclusive or special rights. Among these contracts, it is assumed that currently only 70% of contracts for technical nautical services include provisions on price setting and review. 100% of contracts for waste reception facilities are assumed to be price regulated in compliance with provisions set by art. 8 of Directive 2000/59/EC[5]. All other types of service are assumed not to be price regulated.

Furthermore assuming that the service tariffs are reviewed every two years, table 9 provides for an estimation of the annual average cost currently incurred by the public sector and the business.

[5] Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

Table 10 – Estimation of the average annual cost currently sustained for service tariff setting and or reviewing

Port service	Assumption: number of contracts with exclusive or special rights			Assumptions: port services which are price regulated			Recurrent average cost (Euro / year)	
	Provided in house	Provided by other public entity	Provided by other operator	Provided in house	Provided by other public entity	Provided by other operator	Public	Businesses
Pilotage inside port area	73	73	201	51	51	141	455.017	443.237
Pilotage outside port area	49	118	199	34	82	139	494.771	457.163
Towage inside port area	37	2	277	26	1	194	316.511	479.864
Towage outside port area	18	0	331	12	0	231	323.082	550.147
Mooring	37	8	37	26	6	26	120.855	97.656
Dredging inside port area	146	20	266	0	0	0	0	0
Provision of waste reception facilities	80	19	352	80	19	352	711.149	929.711
Cargo handling ship-shore/stevedoring	28	14	2124	0	0	0	0	0
Cargo handling shore-inland transport	15	10	2309	0	0	0	0	0
Passenger services	75	14	517	0	0	0	0	0
Bunkering	2	5	107	0	0	0	0	0
TOTAL							2.421.385	2.957.779

Central Port Coordination

The unit cost per port to the public sector is expected to be 10,000 Euro / year. The unit cost per port to the private businesses is estimated to be 7,720 Euro / year.

Table 11 – Estimation of the recurrent yearly costs for central port coordination

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Central port coordination	319	3.190.000	2.462.680

Port users' committee

It is expected that this activity is already currently carried out in about 50% of all TEN-T ports. The unit cost of a port committee to the public sector is assumed to be 5,000 Euro per year. The cost to the businesses is estimated to be 15,440 Euro per year.

Table 12 – Estimation of the recurrent yearly costs for port users' committee

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Port users' committee	160	400.000	2.470.400

Cost-based and differentiated port dues

As explained earlier, three different cases are assumed for the calculation of the cost involved in the definition of port dues. Table 13 provides the outcome of the calculation based on provided assumptions.

Table 13– Estimation of the recurrent yearly costs for port dues calculation

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Dues are defined by the port managing body with Government approval	106	319.000	0
Dues are defined by the Government	106	319.000	0
Dues are autonomously defined by the port managing body	106	132.917	0
Total	319	770.917	0

Summary of administrative costs under the baseline scenario

Table 14 provides a summary of the recurrent administrative costs incurred by the public sector and the businesses under the baseline scenario.

Table 14– Estimation of the recurrent yearly administrative costs – baseline scenario (Euro / year)

Measure	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
1. Freedom to provide service for "normal services" - no public tendering	743.671	2.258.181
2. Public tendering for service contracts with a PSO or space constraints > 5 M€	1.267.898	3.850.014
3. Communication from the Commission on how existing Treaty rules apply in the case of port services	N/A	N/A
4. Obligation to have at least 2 operators in case of space constraints - public tendering	N/A	N/A
5. Public tendering in case of major contract changes	N/A	N/A
6. Confinement of internal (public) providers of port services	N/A	N/A
7. Rules on the price of port services provided by operators in monopolistic position	2.421.385	2.957.779
8. Rules on the price of port services awarded directly to operators in monopolistic position	as M7 above	as M7 above
9. Central Port Coordination	3.190.000	2.462.680
10. Port users committee	400.000	2.470.400
11. Functional separation	N/A	N/A
12. Separation of accounts	N/A	N/A
13. Financial transparency between public and port authorities	N/A	N/A
14. Freedom for individual ports to set dues	as M15 below	0
15. Cost-based and differentiated dues	770.917	0
16. Enabling variations based on environmental performance	N/A	N/A
17. Transparency of port due calculation	small	small
TOTAL	8.793.870	13.999.053

In the baseline scenario the cost annually incurred by the businesses are about 13.4 million Euros. The public sector and in particular the port managing bodies face 8 million Euro of administrative costs per year. Hence, on average every year, each port generates slightly more than 200,000 Euro of administrative costs to the public sector.

Comparison of the administrative burden for the baseline and policy packages

According to the preliminary assessment provided in table 6 there are 16 policy measures which imply variation of the administrative burden compared to the baseline scenario.

There are both recurrent and one off costs to be considered under the different policy packages.

Freedom to provide service for "normal services" - no public tendering

Currently there are contracts for “normal services” which are awarded with tendering procedures. Under this measure the costs that currently are incurred for these tendering procedure will be saved.

Hence costs assumed under the baseline scenario will not be incurred in case of application of measure 1.

Public tendering for services contracts with a PSO or space constraints > 5 M€

Table 15 reports the estimation of number of relevant port services that should be awarded with public tendering. It is assumed that the tendering cost is to be incurred every time a contract will be renewed.

It is assumed that each service contract to be procured will generate one off cost to the port managing body or other relevant administration of 6,000 Euro. The overall cost to the business is estimated at 18,219 Euro.

However, given different assumptions on the durations of contracts, table 14 provides an estimation of the annual average cost to be recurrently incurred by different parties for the tendering procedures.

Table 15 – Estimation of the average annual cost to be incurred for awarding service contracts involving PSO and/or space constraints

Port service	Number of contracts awarded with public tendering		Cost per occurance (Euro)		Recurrent average cost (Euro / year)	
	PSO and S. C. contracts	Average duration	Public sector	Businesses	Public sector	Businesses
Pilotage inside port area	141	10	843.637	2.561.731	84.364	256.173
Pilotage outside port area	139	10	834.202	2.533.083	83.420	253.308
Towage inside port area	194	10	1.161.972	3.528.367	116.197	352.837
Towage outside port area	231	10	1.388.328	4.215.705	138.833	421.570
Mooring	26	5	156.785	476.083	31.357	95.217
Dredging inside port area	186	5	1.118.258	3.395.629	223.652	679.126
Provision of waste reception facilities	247	20	1.479.105	4.491.352	73.955	224.568
Cargo handling ship-shore/stevedoring	1487	25	8.919.525	27.084.435	356.781	1.083.377
Cargo handling shore-inland transport	1616	25	9.698.760	29.450.608	387.950	1.178.024
Passenger services	362	25	2.169.336	6.587.260	86.773	263.490
Bunkering	75	15	449.286	1.364.273	29.952	90.952
TOTAL					1.613.235	4.898.642

Communication from the Commission on how existing Treaty rules apply in the case of port services

For the aim of the analysis it is assumed that 20% of ports and Member States will on voluntary basis adopt managing practice in line with the provisions set by measures 1 and 2. Thus it is assumed that the administrative costs to be incurred are 20% of these expected in case of adoption of measure 1 and 2.

Obligation to have at least 2 operators in case of space constraints - public tendering

It has been estimated that there are 2,826 port services involving space constraints, having a value higher than 5 million euro. Under this option it is envisaged that in the case of port services subject to space constraints the port managing body or the MS needs

to assure that there are at least 2 competing and independent operators. Hence, 2,826 contracts will need to be tendered in addition to these considered under measure 2.

Both the public sector and the business will face administrative costs for the tendering procedures connected with the contracts to be awarded. Table 16 provides for an estimation of the recurrent average annual costs to be incurred by the parties to award two contracts per each port service presenting space constraints.

Table 16 – Estimation of the average annual cost to be incurred for awarding a second service contract in case of services with space constraints

Port service	Number of additional contracts to be awarded with public tendering		Cost per occurance (Euro)		Recurrent average cost (Euro / year)	
	Space constraints	Average duration (years)	Public sector	Businesses	Public sector	Businesses
Pilotage inside port area	0	10	0	0	0	0
Pilotage outside port area	0	10	0	0	0	0
Towage inside port area	0	10	0	0	0	0
Towage outside port area	0	10	0	0	0	0
Mooring	0	5	0	0	0	0
Dredging inside port area	0	5	0	0	0	0
Provision of waste reception facilities	123	20	1.479.105	4.491.352	73.955	224.568
Cargo handling ship-shore/stevedoring	1158	25	13.901.984	42.213.839	556.079	1.688.554
Cargo handling shore-inland transport	1259	25	15.103.200	45.861.370	604.128	1.834.455
Passenger services	286	25	3.432.169	10.421.894	137.287	416.876
Bunkering	0	15	0	0	0	0
TOTAL					1.371.449	4.164.452

Public tendering in case of major contract changes

Under this measure it is expected that both the public sector and the business will anticipate the costs for part of the tendering procedures.

For the aim of the analysis it is assumed that 1 out of 20 service contracts will need to be retendered before the end of the contract; furthermore it is assumed that the retendering will take place on average after 50% of time duration is elapsed.

Under this assumption the administrative costs will increase by 2.5% of the cost for tendering assumed under measure 2.

Confinement for internal operators of port services

No administrative costs are expected under this measure.

Rules on the price of port services provided in monopolistic position

Table 17 provides an estimation of the number of contracts with exclusive and special rights awarded to private operators or carried out internally by the port manger or other public entity.

The process for defining and reviewing the tariffs involves administrative costs to both the public and the private sector (see par. 1.1).

Assuming that the service tariffs are reviewed every two years, table 16 provides for an estimation of the annual average cost and the one off costs to be incurred by the parties. Furthermore it is assumed that one off administrative cost will be incurred in the first year of application of new rules for the implementation of the new practice.

Table 17 – Estimation of the one off and recurrent annual cost to be incurred for service tariff setting and or reviewing

Port service	Assumption: number of contracts with exclusive or special rights			Recurrent average cost (Euro / year)		One off cost (Euro)	
	Provided in house	Provided by other public entity	Provided by other operator	Public	Business	Public	Business
Pilotage inside port area	73	73	201	650.024	633.196	650.024	633.196
Pilotage outside port area	49	118	199	706.816	653.091	706.816	653.091
Towage inside port area	37	2	277	452.158	685.521	452.158	685.521
Towage outside port area	18	0	331	461.545	785.925	461.545	785.925
Mooring	37	8	37	172.650	139.508	172.650	139.508
Dredging inside port area				N/A	N/A	N/A	N/A
Provision of waste reception facilities	80	19	352	711.149	929.711	711.149	929.711

Cargo handling ship-shore/stevedoring	28	14	2124	2.768.973	4.966.634	2.768.973	4.966.634
Cargo handling shore-inland transport	15	10	2309	2.954.893	5.376.958	2.954.893	5.376.958
Passenger services	75	14	517	888.279	1.298.409	888.279	1.298.409
Bunkering	2	5	107	153.504	256.082	153.504	256.082
TOTAL				9.919.992	15.725.033	9.919.992	15.725.033

Rules on the price of port services awarded directly to operators in monopolistic position

Table 17 provides an estimation of the number of services with exclusive and special rights carried out internally by the port manger or other public entity.

The process for defining and reviewing the tariffs involves administrative costs to both the public and the private sector (see par.1.1).

Assuming that the service tariffs are reviewed every two years, table 18 provides for an estimation of the annual average cost and the one off cost to be incurred by the parties. Furthermore it is assumed that one off administrative costs will be incurred in the first year of application of new rules for the implementation of the new practice.

Table 18 – Estimation of the one off and recurrent annual cost to be incurred for service tariff setting and or reviewing

Port service	Services provided internaly or by other public entity	Recurrent average cost (Euro / year)		One off costs (Euro)	
		Public	Business	Public	Business
Pilotage inside port area	145	398.942	167.991	398.942	167.991
Pilotage outside port area	167	458.542	193.088	458.542	193.088
Towage inside port area	39	106.333	44.776	106.333	44.776
Towage outside port area	18	48.352	20.361	48.352	20.361
Mooring	46	125.988	53.052	125.988	53.052

Dredging inside port area		N/A	N/A	N/A	N/A
Provision of waste reception facilities	99	270.939	114.090	270.939	114.090
Cargo handling ship-shore/stevedoring	42	114.353	48.153	114.353	48.153
Cargo handling shore-inland transport	25	68.357	28.785	68.357	28.785
Passenger services	88	242.644	102.175	242.644	102.175
Bunkering	7	19.788	8.332	19.788	8.332
TOTAL		1.854.237	780.802	1.854.237	780.802

Central Port Coordination

The unit cost per port to the public sector is expected to be 14,000 Euro / year. The unit cost per port to the private businesses is estimated to be 7,720 Euro / year.

Table 19 – Estimation of the recurrent yearly costs for central port coordination

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Central port coordination	319	4.466.000	2.462.680

Port users' committee

The unit cost of a port committee to the public sector is assumed to be 5,000 Euro per year. The cost to the businesses is estimated to be 15,440 Euro per year.

Table 20 – Estimation of the recurrent yearly costs for port users' committee

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Port users' committee	319	797.500	4.925.360

Functional separation

Table 21 provides an estimation of the number of services which are carried out internally by the port managing bodies. Under this measure, these activities are supposed to be legally separated by the port managing body.

All the costs will be incurred by the port managing body and the newly created legally separated entities which would be under the economic control of the port managing body. The recurrent cost to the public sector is assumed to be 50,954 Euro per occurrence; the one off cost is assumed to be 215,000 Euro.

Table 21 – Estimation of the one off and recurrent annual cost to be incurred for functional separation of in house activities

Port service	Provided in house	Recurrent average cost (Euro / year)		One off cost (Euro)	
		Public sector	Businesses	Public sector	Businesses
Pilotage inside port area	73	3.695.944	0	15.595.006	0
Pilotage outside port area	49	2.498.880	0	10.544.004	0
Towage inside port area	37	1.871.710	0	7.897.667	0
Towage outside port area	18	895.908	0	3.780.276	0
Mooring	37	1.902.102	0	8.025.904	0
Dredging inside port area	146	7.423.235	0	31.322.283	0
Provision of waste reception facilities	80	4.058.844	0	17.126.260	0
Cargo handling ship-shore/stevedoring	28	1.412.542	0	5.960.211	0
Cargo handling shore-inland transport	15	738.833	0	3.117.500	0
Passenger services	75	3.804.204	0	16.051.809	0
Bunkering	2	122.213	0	515.677	0
TOTAL		28.424.415	0	119.936.595	0

Separation of accounts

The one off unit cost to the public sector for separation of accounts is assumed to be 75,000 Euro. It is assumed that the large majority of ports will be required to comply with the new accounting provisions (i.e. 300 out of 319 ports). The businesses will not incur in any cost.

Table 22 – Estimation of the one off cost for separation of accounts

	N. of ports	Cost to the Public sector (Euro)	Cost to the Businesses (Euro)
Separation of accounts	300	22.500.000	0

Financial transparency between public and port authorities

The unit cost to the public sector per port is expected to be 2,500 Euro / year. The businesses will not incur in any cost. As for measure 12, 300 ports are assumed to be required to comply with the new provisions.

Table 23 – Estimation of the recurrent yearly costs for financial transparency

	N. of ports	Cost to the Public sector (Euro / year)	Cost to the Businesses (Euro / year)
Financial transparency	300	750.000	0

Freedom for individual ports to set dues

The unit cost to the public sector per port is expected to be 1,250 Euro / year. The businesses will not incur in any cost. All ports are assumed to be covered by the new provisions.

Table 24 – Estimation of the recurrent yearly costs for freedom to set port dues

	N. of ports	Cost to the Public sector (Euro / year)	Cost to the Businesses (Euro / year)
Freedom to set port dues	319	398.750	0

Cost-based and differentiated dues

The unit cost to the public sector per port is expected to be 15,000 Euro every 5 year. The businesses will not incur in any cost. All ports are assumed to be covered by the new provisions.

Table 25 – Estimation of the recurrent yearly costs for port dues definition according to cost based rules

	N. of ports	Cost to the Public sector (Euro / year)	Cost to the Businesses (Euro / year)
Cost-based and differentiated dues	319	957.000	0

Enabling variations based on environmental performance

This measure does not involve additional administrative costs if implemented in conjunction with measure 14 or 15.

Summary of administrative costs under the baseline scenario

Table 26 provides a comparison of the recurrent administrative costs incurred by the public sector and the businesses under the baseline scenario and the different policy scenarios.

Table 26 – Estimation of the administrative costs by measure

Measure	Recurrent (Euro / year)		One off (Euro)	
	Public sector	Businesses	Public sector	Businesses
1. Freedom to provide service for "normal services" - no public tendering	-743.671	-2.258.181	0	0
1variant. As for M1, but excluding handling operations	-647.033	-1.964.737	0	0
2. Public tendering for service contracts with a PSO or space constraints > 5 M€	345.337	1.048.629	0	0
2variant. As for M2, but excluding handling operations	104.712	317.962	0	0
3. Communication from the Commission on how existing Treaty rules apply in the case of port services	322.647	979.728	0	0
4. Obligation to have at least 2 operators in case of space constraints - public tendering	1.371.449	4.164.452	0	0
5. Public tendering in case of major contract changes	40.331	122.466	0	0
5variant. As for M5, but excluding handling operations	19.543	59.344	0	0
6. Confinement of internal (public) providers of port services	0	0	0	0
7. Rules on the price of port services provided by operators in monopolistic position	7.498.608	12.767.254	9.919.992	15.725.033
8. Rules on the price of port services awarded directly to operators in monopolistic position	1.854.237	780.802	1.854.237	780.802
9. Central Port Coordination	1.276.000	0	0	0
10. Port users committee	397.500	2.454.960	0	0
11. Functional separation	28.424.415	0	119.936.595	0
12. Separation of accounts	0	0	22.500.000	0
13. Financial transparency between public and port authorities	750.000	0	0	0
14. Freedom for individual ports to set dues	398.750	0	0	0
15. Cost-based and differentiated dues	186.083	0	0	0
16. Enabling variations based on environmental performance	0	0	0	0
17. Transparency of port due calculation	0	0	0	0
TOTAL	41.598.910	18.472.680	154.210.825	16.505.836

Different policy packages consider different measures which results in different administrative costs to be incurred.

Table 27 and 28 present the estimations of the additional administrative costs (both recurrent and one-off) to be incurred respectively by the public sector and the businesses. These costs incorporate also the costs that would be incurred in case of no action by the EU.

Table 27 – Estimation of the administrative costs to be incurred under different PPs against the baseline scenario - Recurrent administrative costs (Euro/year)

Measure	PP1		PP2		PP2a		PP3		PP2a variant	
	Public sector	Businesses	Public sector	Businesses	Public sector	Businesses	Public sector	Businesses	Public sector	Businesses
1. Freedom to provide service for "normal services" - no public tendering	0	0	-743.671	-2.258.181	-743.671	-2.258.181	-743.671	-2.258.181	-647.033	-1.964.737
2. Public tendering for service contracts with a PSO or space constraints > 5 M€	0	0	345.337	1.048.629	345.337	1.048.629	345.337	1.048.629	104.712	317.962
3. Communication from the Commission on how existing Treaty rules apply in the case of port services	322.647	979.728	0	0	0	0	0	0	0	0
4. Obligation to have at least 2 operators in case of space constraints - public tendering	0	0	0	0	0	0	1.371.449	4.164.452	0	0
5. Public tendering in case of major contract changes	0	0	0	0	40.331	122.466	40.331	122.466	19.543	59.344
6. Confinement of internal (public) providers of port services	0	0	0	0	0	0	0	0	0	0
7. Rules on the price of port services provided by operators in monopolistic position	7.498.608	12.767.254	7.498.608	12.767.254	0	0	0	0	0	0
8. Rules on the price of port services awarded directly to operators in monopolistic position	0	0	0	0	1.854.237	780.802	1.854.237	780.802	1.854.237	780.802
9. Central Port Coordination	0	0	0	0	0	0	1.276.000	0	0	0
10. Port users committee	397.500	2.454.960	397.500	2.454.960	397.500	2.454.960	0	0	397.500	2.454.960
11. Functional separation	0	0	0	0	0	0	28.424.415	0	0	0
12. Separation of accounts	0	0	0	0	0	0	0	0	0	0
13. Financial transparency between public and port authorities	750.000	0	0	0	0	0	0	0	0	0
14. Freedom for individual ports to set dues	0	0	0	0	398.750	0	398.750	0	398.750	0
15. Cost-based and differentiated dues	0	0	186.083	0	0	0	0	0	0	0
16. Enabling variations based on environmental performance	0	0	0	0	0	0	0	0	0	0
17. Transparency of port due calculation	0	0	0	0	0	0	0	0	0	0
TOTAL	8.968.755	16.201.943	7.683.858	14.012.662	2.292.485	2.148.677	32.966.850	3.858.168	2.127.710	1.648.332

Expected one off costs for PP2a and PP2a variant are the same.

Table 28 – Estimation of the administrative costs to be incurred under different PPs against the baseline scenario – One off administrative costs (Euro)

Measure	PP1		PP2		PP2a / PP2a variant		PP3	
	Public sector	Businesses	Public sector	Businesses	Public sector	Businesses	Public sector	Businesses
1. Freedom to provide service for "normal services" - no public tendering	0	0	0	0	0	0	0	0
2. Public tendering for service contracts with a PSO or space constraints > 5 M€	0	0	0	0	0	0	0	0
3. Communication from the Commission on how existing Treaty rules apply in the case of port services	0	0	0	0	0	0	0	0
4. Obligation to have at least 2 operators in case of space constraints - public tendering	0	0	0	0	0	0	0	0
5. Public tendering in case of major contract changes	0	0	0	0	0	0	0	0
6. Confinement of internal (public) providers of port services	0	0	0	0	0	0	0	0
7. Rules on the price of port services provided by operators in monopolistic position	9.919.992	15.725.033	9.919.992	15.725.033	0	0	0	0
8. Rules on the price of port services awarded directly to operators in monopolistic position	0	0	0	0	1.854.237	780.802	1.854.237	780.802
9. Central Port Coordination	0	0	0	0	0	0	0	0
10. Port users committee	0	0	0	0	0	0	0	0
11. Functional separation	0	0	0	0	0	0	119.936.595	0
12. Separation of accounts	0	0	22.500.000	0	22.500.000	0	0	0
13. Financial transparency between public and port authorities	0	0	0	0	0	0	0	0
14. Freedom for individual ports to set dues	0	0	0	0	0	0	0	0
15. Cost-based and differentiated dues	0	0	0	0	0	0	0	0
16. Enabling variations based on environmental performance	0	0	0	0	0	0	0	0
17. Transparency of port due calculation	0	0	0	0	0	0	0	0
TOTAL	9.919.992	15.725.033	32.419.992	15.725.033	24.354.237	780.802	121.790.832	780.802

ANNEX X:

Labour issues in EU ports

(Excerpts from the Study on Port Labour in the EU, Prof Dr Eric Van Hooydonk, 2013)

(Excerpts from the OECD Study Ports and Regional Development: A European Perspective, 2013)

1. Job categories and employment figures in EU ports

Dock workers

1. In the narrow sense, port labour can be considered narrowly as the loading or unloading of ships, or broadly, as all forms of cargo handling in a port zone, including the stuffing and stripping of containers, the loading and unloading of inland waterway vessels, lorries and railway wagons, the storage and semi-industrial processing of goods in warehouses and logistics areas, *etc.* In ports where port labour is governed by specific regulations or agreements, employee organisations traditionally try to extend the notion as widely as possible, while employers' organisations aim to restrict it.

Number of port employers and port workers in the EU by Member State, 2012

Member State	Number of employers	Number of port workers
Belgium	Between 50 and 190	10,300
Bulgaria	54	4,000
Cyprus	58	342
Denmark	100	Between 2,000 and 5,600
Estonia	17	950
Finland	40	2,750
France	100	4,370
Germany	Between 150 and 300	15,000
Greece	30	2,500
Ireland	20	677
Italy	Between 214 and400	Between 11,615 and 18,000
Latvia	58	1,500
Lithuania	15	2,000
Malta	8	1,100
Netherlands	Between 85 and 105	7,275
Poland	423	6,000
Portugal	21	796
Romania	35	4,187
Slovenia	42	Between 758 and 902
Spain	159	6,500
Sweden	72	Between 3,000 and 4,000
United Kingdom	Between 150 and195	18,000
Total EU	**1,901-2,442**	**105,620-116,749**

2. The term port worker is generally used to designate blue collar workers engaged in the handling of goods at docks, quays, wharves or warehouses in ports.

It is a generic term which includes:

- general workers (operatives) working on board ship as well as those on land, and
- specialised workers such as operators (or drivers) of various types of machinery (also called winchmen); signalmen (hatchmen, hatch tenders or deck hands); lashers;

tallymen (also called tally clerks or checkers); (gang) foremen, chief tallymen and chief foremen (supervisors).

In the seaports of the 22 maritime Member States of the European Union, some 2,200 port operators currently employ around 110,000 port workers or 'dockers' who are engaged in the loading and unloading of ships and a number of ancillary port-based services such as warehousing and logistics.

White collar port workers

2. In a more broad sense, since port labour is by definition carried out within a 'port' or a 'port area', the definition of port labour has an important geographical dimension. In some ports, all workers in the port area, including office staff involved in administration, sales, marketing, information technology, legal matters, etc. (white collar employees) are considered as being "port workers".

Those workers work for a broad range of companies established in the port for providing shipping ancillary services, cargo-related services or logistic related services. The employment generated by those port activities would total some 284,000 and 300,000 jobs in the 22 maritime EU Member States (Ecotec study[6], 2006).

Workers in industries located in ports

3. In the broadest sense, the concept covers all workers employed in companies established in the port but not necessarily belonging to the "transport sector". Many European ports are industrial and logistic centres gathering a broad range of industries, including petro-chemical, automotive, steel, energy production and distribution, paper mills, food production companies, firms producing building materials, etc.

According to the European Sea Ports Organisation, the European port sector would represent more than 10 million jobs in total.

2. Port activity as job generator

The economic significance of ports is defined in terms of added value, employment, business establishments, business dynamics and private investments.

Academic research shows that improvement in port performance generates new jobs and attracts industrial and commercial firms to the port, creating higher added value and indirect jobs. Port throughput is positively correlated to employment in port regions.

For example, OECD studies (2012) indicate that an increase of one million tons of port throughput is associated with an increase in employment in the port region of 0.0003%. This means that in a region with one million employees, employment would increase by 300 units; in the long run this increase would be 7500 units[7]. The figures for indirect and induced port-related employment would be higher, depending on the multipliers of each individual port region (in the case of e.g. Hamburg, the multiplier is 1.71, for Rotterdam is 1.13 and for Le Havre / Rouen has been estimated at 1.57)[8].

[6] http://ec.europa.eu/maritimeaffairs/documentation/studies/documents/summary_report_en.pdf
[7] See OECD (2012) Report "Ports and Regional Development: a European Perspective" http://dx.doi.org/10.1787/5k92z71jsrs6-en
[8] See OECD (2012) papers on "The Competitiveness of Global Port Cities"

This impact is slightly larger on industry than on service employment. These conclusions are based an evaluation of the impact of port activity on regional employment in a sample of 560 regions in 10 European countries, 100 of which home to one or more port, from 2000-06.

Liquid bulk has lower employment impacts than the other cargo categories (dry bulk, containers, general cargo). If liquid bulk is not included in port throughput numbers, the employment impact in the region doubles: an increase of one million tonnes port throughput is then associated with a regional employment increase of 600 units. This finding confirms the fact that only a few jobs are needed to handle liquid bulk, due to loading and unloading of a large part of this bulk by pipelines.

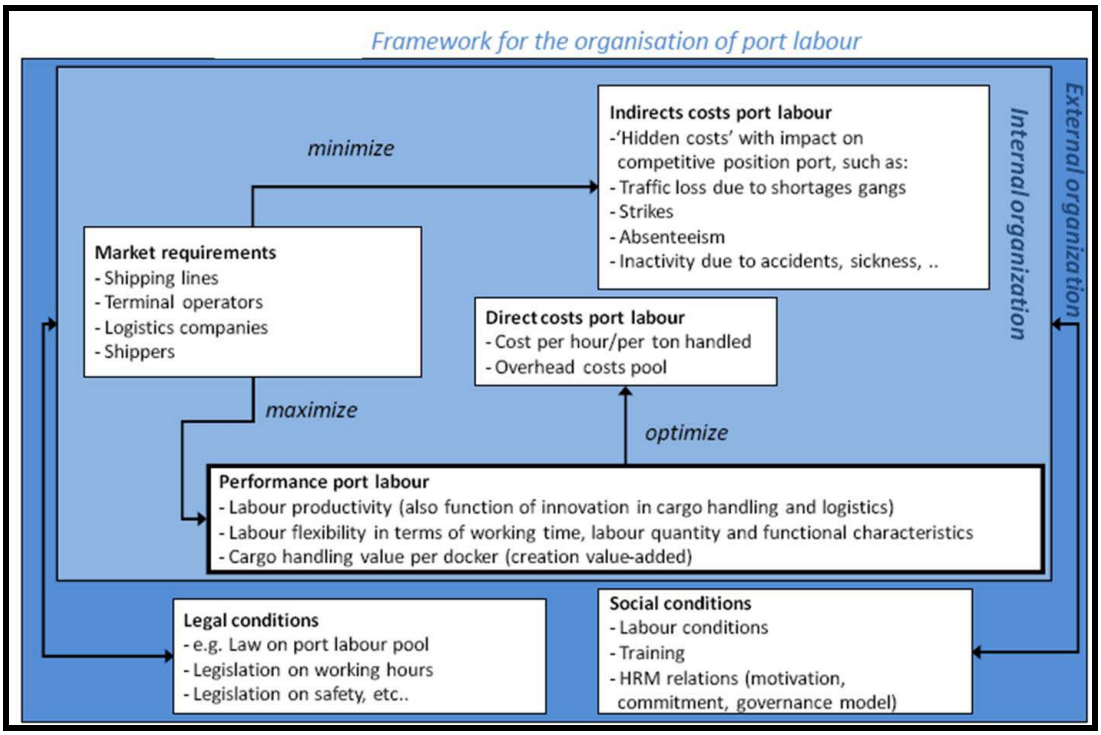
The number of passengers in a port is not correlated to employment in port regions. It has a positive but not statistically significant effect on regional employment. This is probably due to the fact that ferry industries handle large numbers of transit passengers.

Private ports have the largest employment impacts in regions. Their impact per one million additional tonnes of port throughput is 1000 jobs; this is 550 for European ports with the "Latin" governance model and 170 for "Hanseatic" ports. This is rationalised to some extent by the fact that some of these private ports are located close to the main UK cities or are functional to some local industries; therefore the results might be influenced by local situations rather than caused by its governance structure

3. Labour and cargo-handling

It is widely accepted that both the day-to-day efficiency and the medium and long-term dynamics of port competition are strongly influenced by the regime of port labour. Depending on the type of terminal, port labour represents between 15 and 75 per cent of the operational terminal costs for terminal operators (15 to 20 per cent at dry bulk terminals; between 40 and 75 per cent at general cargo terminals).

Even in the capital intensive container sector this percentage is believed to reach 50 or even 70 per cent, which explains that the labour factor also determines, for example, investment decisions on terminal lay-out and equipment. Research (Notteboom et al, 2010) confirms that labour arrangements can have a tremendous impact on the proper functioning of ports and on trade flows.



Source: ITMMA 2010 – Dock Labour and port related employment in the EU Seaport System

4. Sector specific labour rules for Dockers

Traditionally, port work has been regarded as a low-skilled manual profession. In order to cope with the irregularity of port traffic and the ensuing fluctuations in labour demand, the port labour market has in many places been subject to specific laws, regulations and collective agreements.

In most cases, these rules entail the reservation of temporary labour for a steadily available complement ('pool') of registered workers who enjoy unemployment benefit or similar pay when no work is available.

Even if these arrangements take on very different shapes, in 16 out of 22 Member States (i.e. 73 per cent) access to the port labour market is restricted under rules which depart from general labour law.

In a considerable number of ports, the specific employment rules are characterised by restrictions on employment (including priority for registered workers or recognised workforce suppliers, closed shop situations, strict job demarcations, mandatory manning scales, restrictions on temporary agency work and on self-handling) and restrictive working practices.

These restrictions impact negatively on trade, competition and/or employment. However, the problems do not occur in every Member State or with the same intensity in all ports. Several States have reformed port labour, while some ports are completely restriction-free. Moreover, not every registration or pool system is per se inefficient, and not every restriction goes per se against EU law.

However, in many cases serious doubts about the compatibility of the national or local port labour regime with EU law are warranted in the light of available EU and national case law on internal market and competition rules.

In sum, restrictive pool or registration systems can only be justified under EU rules if the general interest and especially the social protection of workers demonstrably require such an exceptional labour market set-up, if the system is non-discriminatory and fully compatible with human rights, if restrictions on access to the market for the provision of workforce are proportionate and do no got beyond what is necessary in order to attain the public interest objective concerned, and, more specifically, if the system is kept free of any additional restrictions on employment, restrictive working practices and abuses.

Vague references to social protection or safety objectives which do not explain why applicable restrictions are indeed necessary will not suffice. EU law allows Member States and social partners to choose between a free and open port labour market or an efficient and sustainable registration or pool system which is not affected by restrictive excesses, either in the law or in practice.

5. Training, Health and Safety in ports

Qualification and training arrangements are very diverse across the EU. A growing number of ports and terminals organise sophisticated training programmes but elsewhere workers are still poorly trained. In a large number of Member States, certification systems for port workers are in place, even if these are not always fully operational. A number of recent best practices are available.

A majority of States have enacted specific laws and regulations on health and safety in port work. Despite signs of considerable improvement in the past decades, scattered data suggest that the port worker continues to have one of the most dangerous occupations in the entire EU economy. However, specific national accident statistics on port labour are only available in a minority of Member States.

6. Prospects

Seen from an EU perspective, the port labour market can be described as a market in transition, with a trend towards the application of general labour law rather than specific laws and regulations. Opinions on the need to maintain specific laws and regulations for port labour diverge widely.

The current economic and financial crisis notwithstanding, expectations are that the coming decades will see further growth in trade and port throughput, together with a far-reaching innovation in handling technologies and a growing demand for well-trained and versatile port workers.

The port industry will continue to function as one of the European Union's most powerful prosperity and job generators. A summary of the employment impact of ports is presented below, based on the Dutch ports example during 2002 – 2007.

Summary of the employment impact of Dutch ports

	2002	2003	2004	2005	2006	2007	Growth 2007/2002
Direct employment Northern Seaports	8832	8658	8453	8337	8678	7677	-13.1%
Direct employment North Sea Canal Area	34737	33525	32363	32546	33293	35430	2.0%
Direct employment Rhine- and Maasmond	107066	105458	103406	103765	105518	108313	1.2%
Direct employment Scheldt Basin	15734	15386	14993	15066	15377	15913	1.1%
Total direct employment Dutch ports	**166369**	**163027**	**159215**	**159714**	**162866**	**167333**	**0.6%**
Total indirect employment Dutch ports	**105490**	**103464**	**104229**	**105401**	**111403**	**119027**	**12.8%**
Cargo throughput (in million tons)	*435.2*	*437.2*	*471.7*	*492.6*	*513.3*	*540.3*	24.2%
Direct employment per sector	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**Growth 2007/2002**
Transport	45951	47370	44133	45798	46771	51796	12.7%
Services for transport	16139	14658	15065	14886	15514	15698	-2.7%
Handling and storage	14688	14205	14079	14799	14805	14865	1.2%
Industry	65259	62592	61406	59564	60136	58390	-10.5%
Wholesale	14242	13689	13982	14219	14562	14818	4.0%
Public and private services	10090	10513	10550	10448	11078	11765	16.6%
Total direct employment Dutch ports	**166369**	**163027**	**159215**	**159714**	**162866**	**167332**	**0.6%**

Source: ITMMA 2010 – Dock Labour and port related employment in the EU Seaport System

Synopsis of port labour regimes in the EU (source: Van Hooydonk, 2013)

SYNOPSIS OF PORT LABOUR IN EU MEMBER STATES														
	Prevailing port management model	**Seaborne cargo in 2011 in million tonnes**	**No. of employers of port workers**	**No. of port workers**	**Party to ILO C137**	**Party to ILO C152**	***Lex specialis* on employ-ment**	**Level of port labour-specific CBAs**	**Registration of port workers**	**Priority for pool workers**	**Restrictions on temporary agency work**	**National qualification system**	***Lex specialis* on OHS**	**Availability of specific national OHS statistics**
BE	Landlord	265	50-190	1,300	No	No	Yes	National, port	Yes	Yes	Yes	Yes	Yes	Yes
BG	Landlord	26	54	4,000	No	No	Yes	National, company	Yes	No	Yes	Yes	Yes	No
CY	Tool	7	58	342	No	Yes	Yes	National	Yes	Yes	Yes	No	Yes	Yes
DK	Landlord	92	100	2,000-5,600	No	Yes	No	National, port	No	Yes	Yes	Yes	Yes	No
EE	Landlord	47	17	950	No	No	No	None	No	No	No	Yes	No	Yes

	Prevailing port management model	Seaborne cargo in 2011 in million tonnes	No. of employers of port workers	No. of port workers	Party to ILO C137	Party to ILO C152	*Lex specialis* on employment	Level of port labour-specific CBAs	Registration of port workers	Priority for pool workers	Restrictions on temporary agency work	National qualification system	*Lex specialis* on OHS	Availability of specific national OHS statistics
FI	Mixed	110	40	2,750	Yes	Yes	No	National, company	Yes	No	Yes	No	Yes	Yes
FR	Landlord	354	100	4,370	Yes	Yes	Yes	National, port, company	Yes	Yes	Yes	Yes	No	Yes
DE	Landlord	296	150-300	15,000	No	Yes	Yes	National, port, company	Yes	Yes	Yes	Yes	Yes	Yes
EL	Mixed	124	30	2,500	No	No	Yes	Company	Yes	Yes	Yes	No	No	No
IE	Mixed	45	20	677	No	No	No	Company	No	No	No	No	Yes	Yes
IT	Landlord	478	214-400	11,615-18,000	Yes	Yes	Yes	National, company	Yes	Yes	Yes	No	Yes	No
LV	Landlord	69	58	1,500	No	No	No	Company	No	No	Yes	No	No	No

	Prevailing port management model	Seaborne cargo in 2011 in million tonnes	No. of employers of port workers	No. of port workers	Party to ILO C137	Party to ILO C152	*Lex specialis* on employment	Level of port labour-specific CBAs	Registration of port workers	Priority for pool workers	Restrictions on temporary agency work	National qualification system	*Lex specialis* on OHS	Availability of specific national OHS statistics
LT	Landlord	45	15	2,000	No	No	No	Company	No	No	No	No	Yes	No
MT	Landlord	32	8	1,100	No	No	Yes	National, company	Yes	Yes	Yes	No	Yes	No
NL	Landlord	538	85-105	7,275	Nor	Yes	No	Company	No	Yes	Yes	No	No	No
PL	Landlord	65	423	6,000	Yes	No	No	Company	Yes	No	No	No	No	No
PT	Landlord	67	21	796	Yes	No	Yes)	Port	Yes	Yes	Yes	No	No	No
RO	Landlord	40	35	4,187	Yes	No	Yes	Company	Yes	No	Yes	Yes	No	No
SI	Service	17	42	758-902	No	No	No	Company	No	No	No	No	No	Yes

	Prevailing port management model	Seaborne cargo in 2011 in million tonnes	No. of employers of port workers	No. of port workers	Party to ILO C137	Party to ILO C152	*Lex specialis* on employ-ment	Level of port labour-specific CBAs	Registration of port workers	Priority for pool workers	Restrictions on temporary agency work	National qualification system	*Lex specialis* on OHS	Availability of specific national OHS statistics
ES	Landlord	476	159	6,500	Yes	Yes	Yes	National, port	Yes	Yes	Yes	Yes	No	No
SE	Mixed	145	72	3,000-4,000	Yes	Yes	No	National, company	No	NO	Yes	No	Yes	Yes
UK	Mixed	519	150-195	18,000	No	No	No	Company	No	No	No	Yes	No	No

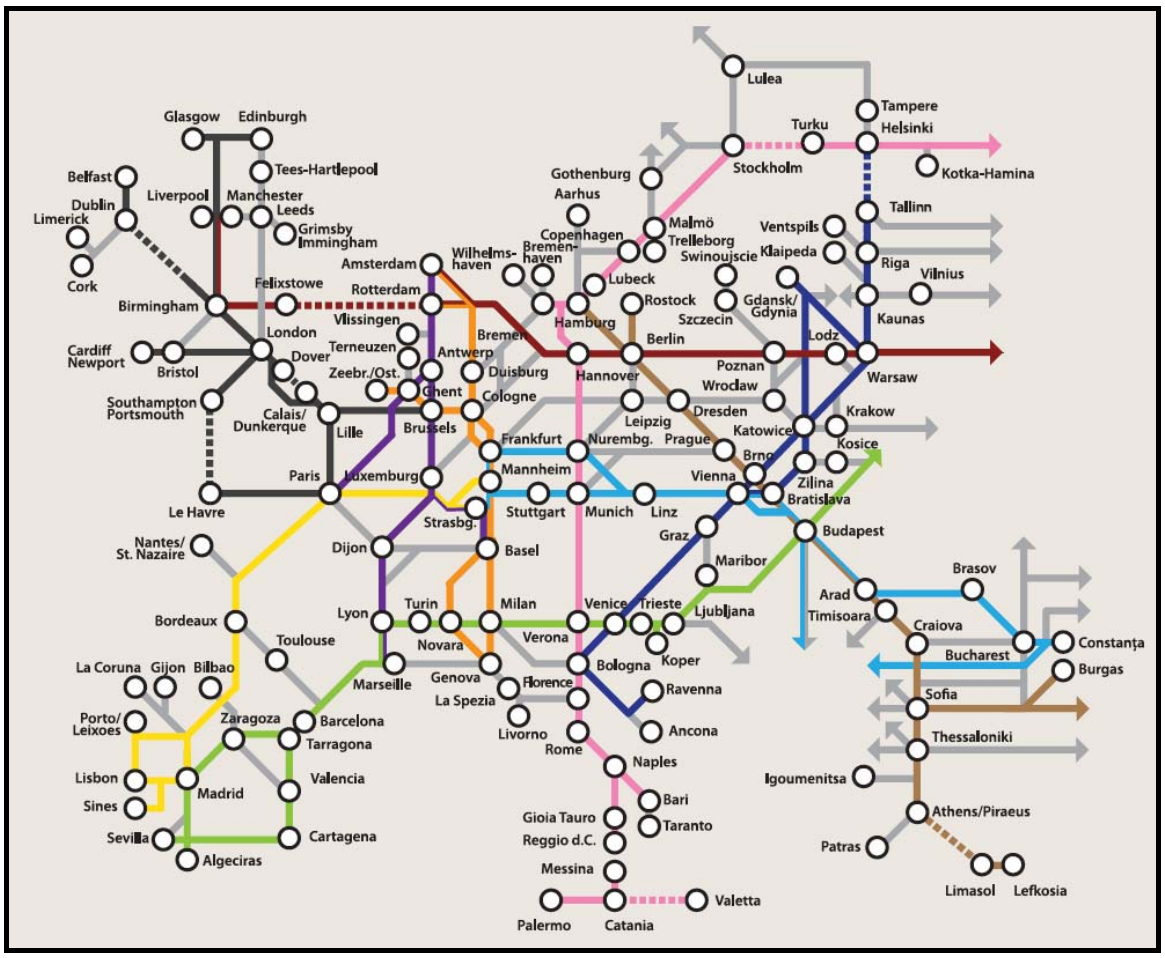
ANNEX XI:

Ports in the new TEN-T Strategy

1. New TEN-T proposal – a multimodal corridor concept

The basic aim of the Trans-European Networks Policy is to remove the bottlenecks, upgrade infrastructure and streamline cross border transport operations for passengers and businesses throughout the EU. Its realization will contribute to improving connections between different modes of transport and to realize the EU's climate change objectives.

On 19th of October 2011 the Commission adopted[9] a new proposal for the development of the Trans-European Transport Network (TEN-T). The aim of the new proposal is to transform the existing patchwork of European roads, railways, airports and canals into a unified transport network (TEN-T). The new policy concentrates on a much smaller and more tightly defined transport network for Europe.



The aim is to focus spending on a smaller number of projects where real EU added value can be realised. The new policy followed by a two-year consultation process assumes that the TEN-T will be developed gradually by implementing a dual-layer approach. It means that two layers of the TEN-T are established: a **core network** and a **comprehensive network**. Both

[9] For a detailed presentation of the TEN-T & Connecting Europe, see http://ec.europe.eu/transport

layers include all transport modes: road, rail, inland waterways, air and maritime transport, as well as intermodal platforms.

The comprehensive network constitutes the basic layer of the TEN-T. It consists of all existing and planned infrastructure of the TEN-T. The complete comprehensive network is planned to be in place by 31 December 2050 at the latest. It will ensure full coverage of the EU and accessibility of all regions in the Union, including remote and the outermost regions.

The core network overlays the comprehensive network and consists of the strategically most important parts of the TEN-T. It constitutes the backbone of the development of a multimodal transport network. It concentrates on those components of the TEN-T with the highest European added value: cross border missing links, key bottlenecks and multimodal nodes. The core network is planned to be completed by 31 December 2030 at the latest.

The core network design process included two steps:

- In the first step main nodes were identified: urban main nodes, comprising all Member States' capitals and all other large urban areas or conurbations, including the ports and airports directly belonging to the urban node. Outside these urban main nodes, ports which exceed a certain volume threshold or fulfil certain geographical criteria. The most relevant border crossing points: one per mode between each Member State and each neighbouring country.
- The second step involved connecting these main nodes via multimodal links (road, rail, inland waterway). Some links already exist while in some cases the problems are bottlenecks or lack of links.

2. The TEN-T "core network"

The future **core network** proposed by the EC will comprise of 83 main European ports with rail and road links, 37 key airports with rail connections into major cities, 15,000 km of railway line upgraded to high speed, 35 cross border projects to reduce bottlenecks. Rail, road and inland waterway connections between these nodes will carry traffic flows of the highest strategic importance.

In order to facilitate the implementation of the core network, the ‘corridor approach’ will be used. This instrument will help to coordinate and synchronise different projects on a transnational basis. Within the core network, 10 corridors have been established. Core network corridors shall involve at least three transport modes and at least three Member States. Each Member State participates in at least one corridor. They cover the most important cross-border long-distance flows in the core network. In duly justified cases the core network corridor may involve only two transport modes.

If possible, core network corridors should be connected with a maritime port. Core network corridors should facilitate modal integration and interoperability and lead to coordinated development and management of infrastructure. Multimodal infrastructure within core network corridors shall be built and coordinated, wherever needed, in a way that optimises the use of each transport mode and their cooperation. The core network corridors shall support the comprehensive deployment of interoperable traffic management systems.

European Coordinators will chair the corridor platforms. The European Coordinator will be designated by the Commission, after consultation with the Member States concerned and the European Parliament. The European Coordinator will lead the coordinated implementation of the core network corridor.

3. Connecting Europe Facility: the EC's instrument to finance the TEN-T

The 'Connecting Europe Facility' (CEF) is a financing tool for investing in transport, energy and ICT infrastructure proposed by the European Commission for the budgetary period 2014-2020. For the first time, the Commission is proposing a single funding instrument for the three network sectors. The 'Connecting Europe Facility' is to finance projects which fill the missing links in Europe's energy, transport and digital backbone.

The total budget of the Connecting Europe Facility is EUR 50 billion. EUR 31.7 billion is dedicated to the transport sector, the digital services sector will receive EUR 9.2 billion and the energy sector will receive EUR 9.1 billion. The funds allocated to the transport sector include EUR 10 billion from the Cohesion Fund, set aside for transport projects in cohesion countries; the remaining EUR 21.7 billion will be available to all Member States for transport infrastructure investments.

80% of the money allocated to the transport sector under the Connecting Europe Facility will be used to support two categories of projects: core network projects and horizontal projects. The remaining funding may be made available for 'ad hoc' projects, including projects on the comprehensive network. Core network projects include priority projects along the 10 multimodal corridors on the core network. Funding will also be available for some other projects of high European added value on the core network.

It will be up to Member States to submit detailed proposals of investment to the Commission and the precise level of EU funding will depend on the details of the national proposals. No road projects will be financed by the CEF budget with the exception of projects that create safe parking areas and road traffic management systems.

4. Core and comprehensive TEN-T Ports

In the new strategy for a European TEN-T core network, seaports constitute a strategic access point for multimodal networks. Together with other nodal points such as inland ports and airports, seaports are put in a central position of the Trans-European Transport Network. Seaports have a vital role to play within the TEN-T, by increasing the efficiency of the whole European transport system.

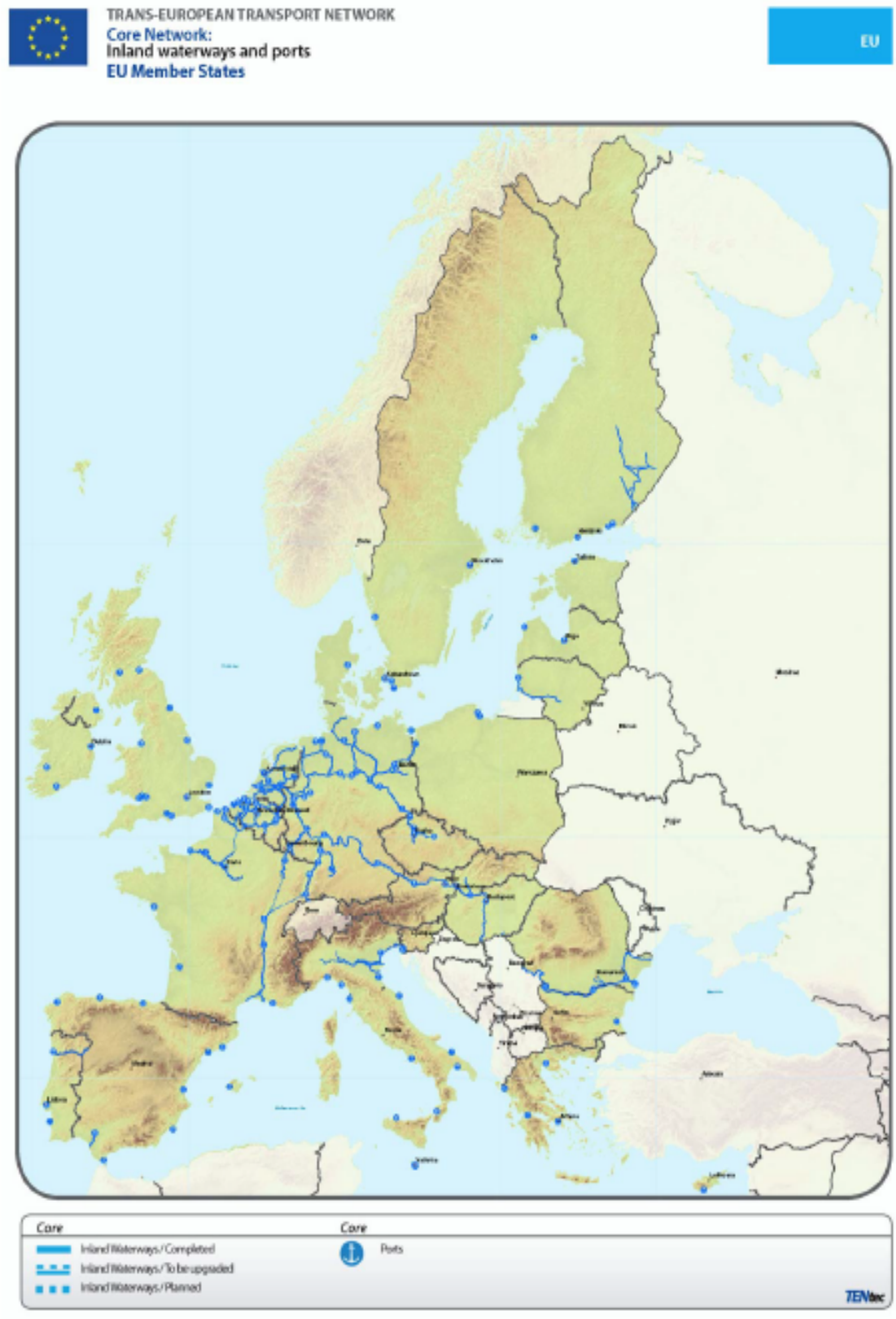
Seaports together with adequate infrastructure connections are vital for European industry and inland and external trade development. Furthermore, seaports' good connections with rail and road infrastructure can contribute to the elimination of bottlenecks along the main transport corridors.

Seaports as a connection point for the shipment of goods and passengers between land and maritime means of transport also play crucial a role in the development of intermodal transport, which is an essential component of a common policy on sustainable mobility.

In sum, the new strategy aims at the sustainable development of European seaports by promoting industry efficiency, the reduction of the negative impact on the environment and the integration of seaports within the entire chain of transports.

The current TEN-T proposal includes 83 ports in the core network and 236 ports in the comprehensive network (319 ports in total). Nearly all multimodal corridors feature connections with maritime ports.

Ports which are part of the comprehensive network shall meet at least one of the following criteria:



– The total annual passenger traffic volume exceeds 0.1% of the total annual passenger traffic volume of all maritime ports of the Union. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat.

- The total annual cargo throughput – either for bulk or for non-bulk cargo handling – exceeds 0.1% of EU total. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat.
- The maritime port is located on an island and provides the sole point of access to a NUTS 3 region in the comprehensive network.
- The maritime port is located in an outermost region or a peripheral area, outside a radius of 200 km from the nearest other port in the comprehensive network.

As far as the **core network** is concerned, the following seaports should be included:

a. Seaports belonging to a primary city node (e.g.: Lisbon, Naples, and Bordeaux).

b. Other seaports with an annual throughput > 1% of the EU total.

c. The largest seaport per each NUTS 1 region with access to the sea, for each continuous coastline.

The list of the 83 "core ports" (Annex II.2 of the Commission's proposal COM(2011)650 final/2 of 19.12.2011) is given in annex.

Seaports included in the comprehensive network should be connected by railway lines, road and if possible barge; they should offer at least one terminal open to all operators in a non-discriminatory way and have equipment to ensure environmental performance of ships in ports (in particular port reception facilities).

With respect to seaports, attention should be paid to three vital projects: promoting short sea shipping, including Motorways of the Sea, interconnection of seaports with inland waterways, implementation of VTMIS and e-Maritime services.

5. TEN-T port statistics

The 83 seaports included into the TEN-T core network handle approximately 70% of the cargo passing through all EU seaports. The greatest number of core seaports (24) is concentrated within the Mediterranean Sea region.

These seaports account for 58.4% of the throughput of all seaports within the EU Mediterranean Sea region. Half of those ports are located along the coastline of Italy. This can be explained by taking into consideration the fact that Italian seaports handle the greatest volume of cargo within the Mediterranean Sea region (494.1 million tonnes) which accounts for about 48.3% of the total seaports' turnover in the region. Additionally, Italy has the largest number of seaports handling at least 1 million tonnes of cargo. Spain has also a large number of core seaports along its Mediterranean coast (7). The rest of the core seaports are located in Greece (4), France (1) and Slovenia (1).

Along the UK and Irish coast 17 seaports/group of seaports are included in the TEN-T core network (3 in Ireland and 14 in the UK). All of these seaports are responsible for 64% of the cargo handled in UK and Irish seaports.

In the North West Continent region (i.e. North Sea part of Germany, the Netherlands, Belgium, North Sea part of France) core seaports are distributed quite equally.

The table below shows the total seaports' throughput and of core seaports by EU region:[10]

[10] Source: Baltic Ports Organization Secretariat (2012) in the context of the TransBaltic project. See:

Region	EU countries included	Total seaports throughput [mln tonnes]	Share in total EU ports throughput	Number of core seaports*	Share of core seaports in total throughput of the seaports in the region
North West continent region	North Sea part of Germany, the Netherlands, Belgium, North Sea part of France	1151.5	31.7%	13	89.7%
Mediterranean Sea region	Greece, Slovenia, Italy, Malta, Cyprus, Mediterranean parts of France and Spain	1023.9	28.2%	24	58.4%
Baltic Sea region	Baltic Sea part of Germany, Poland, Latvia, Lithuania, Estonia, Finland, Denmark, Sweden	629.4	17.3%	18	57.8%
UK & Ireland	UK and Ireland	557.0	15.3%	17	64.0%
Atlantic Ocean region	Atlantic parts of France and Spain, Portugal	208.3	5.8%	9	79.3%
Black Sea region	Bulgaria, Romania	61.0	1.7%	2	70.8%
Total	**All**	**3631.1**	**100%**	**83**	**70.5%**

* COM proposal Oct 2011 (Group of seaports under a single port authority are treated as one sea port)

Each country has 3 to 4 core seaports/group of seaports. All of these seaports together account for almost 90% of the total throughput of seaports in this region. Along the EU Atlantic coast, 9 seaports are included in the TEN-T core network (4 in Spain, 3 in Portugal, 2 in France). These ports handle approximately 79% of the cargo passing through EU Atlantic seaports.

http://www.transbaltic.eu/wp-content/uploads/2012/05/New-TEN-T-guidelines-proposal-implications-for-the-port-sector-in-the-Baltic-Sea-region.pdf

List of nodes of the core network: Maritime ports
COM(2011)650 of 19.10.2011

BELGIUM

Antwerpen

Gent

Oostende, Zeebrugge

BULGARIA

Burgas

DENMARK

Århus

Københavns Havn

GERMANY

Bremerhaven, Bremen

Hamburg

Lübeck

Rostock

Wilhelmshaven

ESTONIA

Tallinn

IRELAND

Cork

Dublin

Limerick

GREECE

Igoumenitsa

Patras

Pireus

Thessaloniki

SPAIN

Algeciras

Barcelona

Bilbao

Cartagena

Gijón

A Coruña

Las Palmas

Palma de Mallorca

Sevilla

Tarragona

Valencia

FRANCE

Bordeaux

Calais, Dunkerque

Le Havre

Marseille

Nantes Saint-Nazaire

Rouen

ITALY

Ancona

Bari

Genova

Gioia Tauro

La Spezia

Livorno

Napoli

Palermo

Ravenna

Taranto

Trieste

Venezia

CYPRUS

Lemesos

LATVIA

Rīga

Ventspils

LITHUANIA

Klaipėda

MALTA

Valletta, Marsaxlokk

THE NETHERLANDS

Amsterdam

Rotterdam

Terneuzen, Vlissingen

POLAND

Gdánsk, Gdynia

Świnoujście, Szczecin

PORTUGAL

Leixões (Porto)

Lisboa

Sines

ROMANIA

Constanța

SLOVENIA

Koper

FINLAND

Helsinki

Kotka, Hamina

Turku

SWEDEN

Göteborg

Luleå

Malmö

Stockholm

Trelleborg

UNITED KINGDOM

Belfast

Bristol

Cardiff, Newport

Dover

Felixstowe

Forth (Edinburgh)

Glasgow

Grimsby, Immingham

Liverpool

London

Southampton, Portsmouth

Tees and Hartlepool

ANNEX XII:

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ANNEX XIII:

Glossary

Cargo handling operations involve marshalling services (receipt, storage, assembly and sorting of cargo in preparation for delivery to a ship's berth) and stevedoring services (loading and unloading of cargo from ships).

Confinement means that a port authority that decides to operate a specific service themselves (in-house) is not allowed to offer this service outside its own port. The port authority service provision is thus confined (limited) to the own port under its control.

Deep sea shipping refers to the maritime transport of goods in intercontinental routes, crossing oceans;

Dredging involves collecting and bringing up, fishing up or clearing away or out material and/or any object from the bed of a river, sea, etc.; transporting it to the relocation site and unloading the material or object. The purpose for dredging can be maintenance of the depth or the deepening of navigation accesses or channels; it can also be land reclamation, coastal protection, seabed stabilisation for the offshore energy installations or the removal of contaminated sediments;

Feeder Services are transport operations in which cargoes are shipped by water in smaller vessels to/from a load-centre port for loading to or unloading from larger ocean-going vessels. Feeder services are usually linked to the "hub and spoke" logistic distribution model.

Hub-and-Spoke is a cargo distribution model which drives shipping companies to consolidate shipments on the large scale at major terminals (i.e., hub) and to redistribute the smaller scale of shipments to their respective destinations via radial links (i.e., spoke). The model is of particular importance for containers trades.

Managing body of the port or ***port authority*** means a body which administer and manage the port infrastructures, and the coordination and, where appropriate, the control of the activities of the operators present in the port or port system concerned. It may consist of several separate bodies or be responsible for more than one port;

Mooring is a service provided by specialised boatmen companies securing or confining a vessel in a particular station, as by cables and anchors or by a line or chain run to the wharf.

Other Ancillary (or general) services provided in many ports include bunkering, chandlering, ship repair, container maintenance, marine appraisals, insurance claims inspections, banking, etc.;

Passenger services: services provided in passenger terminals in ports, of particular importance for ferry crossings (islands' traffic, Channel and straits crossings, North and Baltic Sea inter-city connections);

Pilotage services means services to ships offered by a maritime pilot. Such services include but are not restricted to: deep-sea pilotage; coastal pilotage; sea pilotage (from sea to port or vice versa); shore-based pilotage; river, canal, docking and harbour pilotage. A maritime pilot is either a deep-sea pilot or any other maritime pilot who is authorized by the competent authority to carry out pilotage services in a designated area, and who holds appropriate documentation issued by the competent authority.

Port dues (also referred to as port infrastructure charges) are charges by a port authority to a vessel for each harbour entry, usually on a per gross tonnage basis. The usual justification of port dues is the need to cover the costs of basic port infrastructure and marine facilities including equipment such as buoys, beacons, and vessel traffic management system.

Port system means two or more ports in the same geographical area and managed by a single managing body;

Ro-Ro means Roll-on Roll-off vessels: these are the typical ferry vessels where cars and truck drive on and off by means of a ramp. This is also uses for car carriers, to avoid wasting time by having to hoist the cars, trucks, busses or other vehicles in the sips.

Seaport or ***port*** means an area of land and water made up of such works and equipment as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods, and the embarkation and disembarkation of passengers;

Self-handling entails companies employing personnel of their own choice for handling cargoes in ports. In several EU Member States, handling of cargoes in ports can be done only by registered dock workers, usually working as autonomous "pools" within the port;

Short-sea shipping means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe.

Towage is a service provided by tug boats which move larger ships that either should not or cannot power themselves. Usually, towage companies are private companies that operate in the port by means of an authorisation of the port authority. In some cases, towage operators are owned by the State;

Waste reception services: in the EU, the provision of ship waste reception facilities in ports is an obligation stemming from Directive 2000/59/EC; waste reception facilities can be operated as a commercial service or as a public service provided by the port.

COMISSÃO
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Bruxelas, 23.5.2013
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DOCUMENTO DE TRABALHO DOS SERVIÇOS DA COMISSÃO

RESUMO DA AVALIAÇÃO DE IMPACTO

Que acompanha o documento

Proposta de Regulamento do Parlamento Europeu e do Conselho

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DG RESPONSÁVEL: DIREÇÃO-GERAL DA MOBILIDADE E DOS TRANSPORTES

1. CONTEXTO GERAL

A Europa é uma das regiões do mundo com maior densidade portuária.

Sendo o principal bloco comercial do mundo, a União Europeia está muito dependente do transporte marítimo: 37 % das mercadorias transacionadas no mercado interno transitam pelos portos. No que respeita ao transporte de passageiros, os portos servem o tráfego regional e local para estabelecer ligações com as zonas periféricas e insulares. Os portos são essenciais para dinamizar a economia dado terem uma função logística crucial e gerarem muitos postos de trabalho.

Os 319 portos da rede transeuropeia de transportes (RTE-T), que representam 96 % das mercadorias e 93 % dos passageiros que transitam pelos portos da UE, desempenham um papel fundamental no sistema de transportes europeu.

2. DEFINIÇÃO DO PROBLEMA

O problema principal reside nas disparidades estruturais observadas no desempenho de alguns portos marítimos da RTE-T. Este problema é agravado pela necessidade de adaptar os portos às novas necessidades logísticas e de transporte, em tempos de escassez do financiamento público. Esta situação gera riscos de congestionamento e compromete a existência de uma RTE-T eficiente, interligada e sustentável, e, logo, o bom funcionamento do mercado interno.

Num cenário de manutenção do *statu quo*, o crescimento previsto para o setor dos transportes, a evolução das necessidades logísticas e de transporte e as disparidades estruturais atualmente existentes no desempenho dos portos causarão problemas de capacidade e agravarão os atuais desequilíbrios na utilização da rede. Daqui advirão problemas de falta de capacidade em determinados portos e maior congestionamento nas zonas do interior sob a sua influência. O desenvolvimento do transporte marítimo de curta distância será igualmente prejudicado. O fraco desempenho de alguns portos da RTE-T significa uma oportunidade perdida para o desenvolvimento económico das zonas que eles servem e, consequentemente, da União no seu conjunto. As infraestruturas portuárias decadentes e inadaptadas podem afetar a competitividade das indústrias europeias.

Se estes problemas não forem resolvidos, a consecução dos objetivos da RTE-T ficará em risco.

Por último, a concorrência desleal entre os portos, ligada às práticas de financiamento público, suscita grande preocupação. Os sindicatos dos trabalhadores portuários opõem-se a

disposições da União Europeia que afetem os regimes de trabalho portuário atualmente vigentes nos Estados-Membros.

3. CAUSAS PRINCIPAIS

A Comissão identificou três fontes de problemas. A primeira é a falta de ligações adequadas entre os portos e as redes ferroviária, fluvial e rodoviária, a qual, por ser abordada pela política relativa à RTE-T, não é aprofundada na presente avaliação de impacto. As outras fontes de problemas são descritas a seguir.

3.1. Primeira fonte de problemas: Serviços e operações portuárias de fraca qualidade em alguns portos marítimos RTE-T

Há três causas principais ligadas a esta questão:

1) muitos serviços portuários estão sujeitos a pouca pressão concorrencial, devido às restrições de acesso ao mercado;

2) os direitos exclusivos ou especiais, ainda que se justifiquem em várias situações, podem conduzir a abusos de mercado;

3) em alguns portos, os utentes confrontam-se com encargos administrativos excessivos, devido à falta de coordenação interna dos portos.

3.2. Segunda fonte de problemas: Os quadros de gestão portuária não são suficientemente atrativos para incentivar investimentos em todos os portos marítimos da RTE-T

Duas causas principais explicam o clima de investimento globalmente pouco atrativo existente em diversos portos:

4) as relações financeiras pouco claras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários e

5) a pouca autonomia dos portos no que respeita à definição das taxas de utilização das infraestruturas e a ligação pouco transparente entre essas taxas e os custos.

4. ANÁLISE DA SUBSIDIARIEDADE

Os artigos 58.º, 90.º e 100.º do Tratado sobre o Funcionamento da União Europeia (TFUE) alargam aos portos os objetivos de um verdadeiro mercado interno no contexto da política comum de transportes.

Apesar da sua natureza específica e da sua longa história e cultura ao nível local, o setor portuário possui uma forte dimensão internacional e europeia. Devido a esta última dimensão, bem como a razões relativas ao mercado interno e a efeitos de rede transnacionais, a iniciativa proposta para os portos da RTE-T observa o princípio da subsidiariedade.

5. OBJETIVOS

5.1 Objetivo geral

O objetivo geral é melhorar o desempenho dos portos marítimos da RTE-T, a fim de contribuir para um funcionamento mais eficiente, interligado e sustentável da RTE-T, em consonância com os objetivos do Livro Branco dos Transportes e da Estratégia Europa 2020 de crescimento assente na utilização eficiente dos recursos.

5.2. Objetivos específicos (OE)

OE1. Modernizar os serviços e operações portuárias em todos os portos marítimos da RTE-T
OE2. Otimizar os quadros de gestão portuária de modo a promover um clima de investimento mais atrativo.

5.3 Objetivos operacionais (OO)

5.3.1. Modernização dos serviços e operações portuárias

a) OO1. Clarificar e facilitar o acesso ao mercado dos serviços portuários

b) OO2. Prevenir os abusos de mercado por parte dos prestadores de serviços portuários designados

c) OO3. Assegurar a consulta dos utentes dos portos sobre as principais decisões que afetam o funcionamento portuário em todos (100 %) os portos da RTE-T, até à data de execução da iniciativa

5.3.2. Criação de um enquadramento propício para atrair investimentos nos portos

d) OO4. Assegurar a transparência das relações financeiras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários em todos (100 %) os portos da RTE-T, até à data de execução da iniciativa

e) OO5. Assegurar que todas (100 %) as administrações portuárias da RTE-T têm liberdade para fixar autonomamente as taxas de utilização das infraestruturas portuárias à data de execução da iniciativa, com a possibilidade de modulação ambiental das taxas

6. OPÇÕES DE AÇÃO

6.1. Medidas rejeitadas

A Comissão pôs de parte as seguintes medidas, após consulta das partes interessadas:

1) A reforma do mercado do trabalho portuário não é considerada nem proposta em nenhum dos pacotes de medidas devido aos progressos recentes no estabelecimento do diálogo social entre empregadores e trabalhadores: o comité do diálogo social para os portuários deverá ser constituído e entrar em funções em 2013.

2) A consulta parece indicar que a questão da «autoprestação» já não é um problema a considerar ao nível da UE.

3) Dado que o TFUE prevê um amplo poder de discrição para os Estados-Membros na organização dos serviços de interesse económico geral, nenhum dos pacotes de medidas interfere com essa margem de discrição.

6.2. Pacotes de medidas

6.2.1. PM1: Instrumentos horizontais e transparência

O PM1 combina a utilização de instrumentos horizontais, uma medida não-vinculativa em matéria de acesso ao mercado e disposições juridicamente vinculativas em matéria de transparência financeira, coordenação intraportuária e taxas de acesso às infraestruturas portuárias. A medida não-vinculativa é uma comunicação da Comissão que explica as regras do TFUE em matéria de não-discriminação e a futura diretiva relativa à adjudicação de contratos de concessão.

6.2.2. PM2: Concorrência regulada

O PM2 introduz a liberdade de prestação de serviços portuários. Esta liberdade pode ser limitada, se necessário por motivos objetivos e transparentes relacionados com a falta de espaço ou com o interesse público. Quando limitar essa liberdade, o poder público ou a administração portuária terá de celebrar um acordo contratual com um prestador de serviços portuários através de concurso público, salvo em casos devidamente justificados.

A transparência é imposta nos casos em que haja financiamento público, a fim de se poderem detetar eventuais auxílios estatais e subvenções cruzadas entre serviços portuários, suscetíveis de causar distorções da concorrência. Se o serviço for prestado por um operador interno ou por outro operador detentor de um direito exclusivo, uma obrigação de confinamento assegura a reciprocidade no primeiro caso e a supervisão regulamentar dos preços evita abusos em ambos os casos.

A tarifação da utilização das infraestruturas portuárias far-se-á de forma transparente e com base nos custos.

Um comité de utentes ajudará a orientar as atividades portuárias de uma forma mais próxima dos utentes e clientes do porto.

6.2.3. PM2-A: Concorrência regulada e autonomia dos portos

O PM2-A é idêntico ao PM2, com as seguintes variações:

- A obrigação de recorrer a concurso público em caso de condicionalismos de espaço ou obrigações de serviço público é aplicável não só aos novos contratos, mas também aos contratos existentes que sejam substancialmente alterados.
- A supervisão regulamentar dos prestadores de serviços com direitos exclusivos é aplicável apenas aos contratos que não tenham sido adjudicados por concurso público (se não houver concurso público, o contrato não pode ser contestado).
- É conferida a cada porto autonomia para estabelecer, ele próprio, a estrutura e o nível das taxas de utilização das infraestruturas portuárias, conquanto a política tarifária seja transparente. A iniciativa também encoraja a diferenciação das taxas em função do desempenho ambiental dos navios ou dos combustíveis.

6.2.4. PM3: Plena concorrência e autonomia dos portos

O PM3 baseia-se no PM2-A, mas prevê, adicionalmente, pelo menos dois operadores concorrentes e independentes para cada serviço portuário, sempre que o número de operadores esteja limitado devido a condicionalismos de espaço. Prevê também a separação funcional/jurídica. Para assegurar o bom funcionamento do porto, é reforçado o papel de coordenação central das administrações portuárias.

7. AVALIAÇÃO DOS IMPACTOS

7.1. Impactos económicos

Estimaram-se os impactos dos pacotes de medidas em termos de **custos do transporte**. As potenciais economias nos custos portuários totais são apresentadas no quadro 1.

Quadro 1: Efeitos dos pacotes de medidas sobre as economias nos custos portuários totais (PwC, 2013)

	Variação (%) dos custos portuários totais	Economias anuais (milhões €)
PM1	-2,0%	318,15
PM2	-3,0%	481,47
PM2-A	-6,8%	1 071,37
PM3	-7,9%	1 245,21

Para aferir se os pacotes de medidas **atraem mais investimento**, procedeu-se à sua avaliação com base em quatro critérios. Os resultados são apresentados no quadro 2.

A **transparência financeira** incentivará uma afetação mais eficiente dos recursos públicos e reduzirá o risco de concessão de auxílios estatais causadores de distorções. Os investidores privados verão menos riscos de concorrência desleal resultante de auxílios estatais potencialmente ilícitos.

Quadro 2: Impacto dos pacotes de medidas no clima de investimento

	PM1	PM 2	PM2-A	PM3
Afetação eficiente de recursos públicos	+	++	++	+++
Riscos menores de concessão de auxílios estatais causadores de distorções aos portos	+	++	++	+++
Clima mais propício ao investimento privado	+	++	+++	++
Racionalidade económica das taxas portuárias	+	+++	++	+

(«+» refere-se à intensidade de uma correlação positiva: por exemplo, no caso de «riscos menores de concessão de auxílios estatais causadores de distorções aos portos», um «+» significa menos risco de auxílios estatais causadores de distorções)

Os **custos administrativos** globais dos pacotes de medidas são calculados e apresentados no quadro 3.

Quadro 3: Custos administrativos adicionais por pacote de medidas em comparação com o cenário de base (PwC, 2013)

	Recorrentes (milhões €/ ano)		Pontuais (milhões €)	
	Setor público	Empresas	Setor público	Empresas
PM1	9,0	16,2	9,9	15,7
PM2	7,7	14,0	32,4	15,7
PM2-A	2,3	2,2	24,4	0,8
PM3	33,0	3,9	121,8	0,8

No caso das **PME e microempresas**, o efeito total é difícil de apreciar. Em geral, um melhor ambiente empresarial contribuirá para a criação de novas PME no setor portuário, gerando novas oportunidades de investimento e criação de emprego.

Estimaram-se igualmente os impactos em termos de **multimodalidade, transporte marítimo de curta distância e transferência de tráfego dos modos terrestres para o modo marítimo**. Os impactos regionais são diferenciados, dada a distribuição desigual (e variável) dos fluxos de carga. É por isso que algumas regiões beneficiarão mais do transporte marítimo de curta distância do que a média europeia (quadro 4).

Do ponto de vista da **competitividade internacional**, os portos europeus (Mediterrâneo e Báltico) que estão a perder o negócio do transbordo para portos de países terceiros ficarão reforçados por disporem de uma base de investimento sólida. Embora se devam ter em conta as posições dominantes que podem resultar da integração vertical, a abertura do acesso ao mercado irá facilitar os investimentos internacionais e poderá ser acompanhar-se da concessão de acesso recíproco aos mercados de países terceiros para os operadores portuários e de terminais europeus.

Quadro 4: Crescimento potencial (%) do tráfego marítimo de curta distância entre regiões (PwC, 2013)

Evolução potencial do tráfego marítimo de curta distância entre diversas regiões costeiras						
	Med. Oriental	Med. Central	Med. Ocid./ Atlântico	UK/IRL	Zona Norte	Escand./ Báltico
Med. Oriental	1,51	6,50	1,98	0,68	0,64	0,24
Med. Central	8,39	6,12	6,43	0,25	2,68	1,19
Med. Ocid./ Atlântico	1,25	4,79	6,56	2,67	2,35	0,83
UK/IRL	0,16	0,07	3,90	3,23	1,10	1,36
Zona Norte	0,51	4,54	1,80	1,54	4,34	2,59
Escand./ Báltico	0,37	0,84	3,09	5,04	5,35	2,49

Categorias: Med. Oriental (Grécia, Mar Negro UE, Eslovénia); Med. Central (Itália, Malta, Med. francês) Med. Ocid. /Atlântico (Espanha, Portugal, Atlântico francês); UK/IRL; Zona norte (Hamburgo-Le Havre); Escandinávia/ Báltico

7.2. Impactos ambientais

Todos os pacotes de medidas ajudam a atenuar o impacto ambiental global do transporte. O resultado global é apresentado no quadro 5.

Quadro 5: Efeitos dos pacotes de medidas nas economias anuais de custos externos (PwC, 2013)

	Economias de custos externos (milhões €/ano)
PM1	23
PM2	34
PM2-A	69
PM3	76

7.3. Impactos sociais

Todos os pacotes de medidas criam um melhor ambiente empresarial, que conduzirá a um crescimento da atividade e gerará postos de trabalho. Como as medidas que afetavam os regimes de trabalho foram postas de parte, não são de esperar impactos específicos em termos de salários, relações laborais e condições de trabalho.

Quadro 6: Síntese dos impactos económicos, ambientais e sociais agregados

Impacto comparado com a situação inicial	PM1	PM2	PM2-A	PM3
Eficiência	+	++	+++	+++
Investimentos	+	+	++	++
Encargos administrativos	+	++	+++	+
PME	++	++	++	++
Transporte	+	+	++	++
Ambiente	+	+	++	++
Vertente social	+	++	++	++

«+» refere-se a uma correlação positiva: por exemplo, no caso dos encargos administrativos, quanto maior é o número de sinais «+», menores são os encargos; no caso dos impactos ambientais, quanto maior é o número de sinais mais «+», maior é a atenção dada aos aspetos ambientais

8. COMPARAÇÃO DAS OPÇÕES

8.1. Eficácia

Todos os pacotes de medidas seriam eficazes, apesar de cada um deles apresentar resultados numa escala temporal diferente e com diferentes graus de fiabilidade.

8.2 Eficiência

No que respeita aos ganhos de eficiência líquidos anuais, o PM3 é o que apresenta melhores resultados, seguido de muito perto pelo PM2-A, cujo custo administrativo é bastante inferior ao do PM3 e quase nulo para as empresas. O PM1 e o PM2 têm resultados muito piores do que o PM2-A e o PM3.

8.3. Coerência

Todos os pacotes de medidas estão conformes com a realização do mercado interno dos transportes e são coerentes com os objetivos políticos da UE refletidos no Ato do Mercado Único, no Livro Branco dos Transportes e na estratégia Europa 2020 em matéria de crescimento. O PM2, o PM2-A e, em maior grau, o PM3, apresentam um importante compromisso entre os impactos económicos e sociais.

8.4. Resumo da comparação dos pacotes de medidas

Quadro 7: Eficácia, eficiência e coerência dos pacotes de medidas

	PM1	PM2	PM2-A	PM3
Eficácia	+	++	+++	+++
001 Clarificar e facilitar o acesso ao mercado dos serviços portuários	+	++	+++	+++
002 Prevenir os abusos de mercado por parte dos prestadores de serviços portuários com direitos exclusivos ou especiais	+	++	++	++
003 Melhorar os mecanismos de coordenação nos portos	++	+	+	++
004 Assegurar um quadro mais transparente para as relações financeiras entre os poderes públicos, as administrações portuárias e os prestadores de serviços portuários	+	++	++	+++
005 Assegurar que as taxas de utilização das infraestruturas portuárias são fixadas autonomamente, permitindo a internalização dos custos externos	+	++	+++	++
Eficiência	+	+	+++	+++
Coerência	Compromisso menor	Compromisso limitado, exceto no caso da movimen-tação de carga (compromisso importante)	Compromisso limitado, exceto no caso da movimen-tação de carga (compromisso importante)	(Compro-misso importante)

«+» refere-se à intensidade de uma correlação positiva; não foram identificadas correlações negativas ou neutras

9. OPÇÃO PREFERIDA

Com base na análise apresentada na avaliação de impacto, o PM2-A é a opção preferida. Segundo as estimativas, o PM2-A possibilitará economias de custos portuários de cerca de 1000 milhões de euros por ano. Além disso, induzirá um crescimento do tráfego marítimo de curta distância de aproximadamente 13,3 milhões de toneladas-quilómetro (crescimento que poderá chegar a 6,5 % em várias rotas). Em consequência, a atividade portuária crescerá também, criando postos de trabalho direta e indiretamente relacionados com os portos.

Contudo, a presente avaliação de impacto recomenda prudência no que diz respeito ao acesso ao mercado da movimentação de carga, devido a três aspetos:

- Nas questões sociais, a solução de compromisso é importante.
- Os serviços de movimentação de carga já estão expostos a pressão concorrencial em alguns portos.
- Os serviços de movimentação de carga são, na sua maioria, concessionados e ficarão, por isso, abrangidos pela futura diretiva relativa à adjudicação de contratos de concessão.

Consequentemente, no que diz respeito à clarificação e à facilitação do acesso ao mercado dos serviços de movimentação de carga, a abordagem do PM1 poderá ser igualmente adequada.

Se esta variante do PM2-A[1] for escolhida, os impactos inicialmente estimados para o PM2-A diminuem ligeiramente de intensidade, mas em termos gerais permanecem tendencialmente semelhantes; as economias de custos portuários poderão chegar, mesmo assim, a 10 000 milhões de euros até 2030. Os dados dos impactos quantificados são apresentados no quadro 8.

Quadro 8: Comparação entre o PM2-A e a variante do PM2-A (excluindo as medidas de acesso ao mercado de movimentação de carga) (PwC, 2013)

	PM2-A	Variante do PM2-A
Variação (%) dos custos portuários totais	-6,8	-4
Economias anuais nos custos portuários totais (milhões €)	1071,37	635
Crescimento do transporte marítimo de curta distância (%)	1,63	0,97
Toneladas-quilómetro induzidas (milhares de milhões) nos portos da UE	13,311	7,205
Custos administrativos (recorrentes – públicos) (milhões €)	2,3	2,1
Custos administrativos (recorrentes – empresas) (milhões €)	2,2	1,7
Economias anuais em custos externos (milhões €)	69	46

O mesmo raciocínio se pode aplicar aos serviços de passageiros, podendo prever-se, por conseguinte, uma abordagem semelhante. No entanto, a indisponibilidade de dados impediu o cálculo separado do impacto.

10. ACOMPANHAMENTO E AVALIAÇÃO

A Comissão monitorizará a execução e a eficácia desta iniciativa através de um conjunto de indicadores principais. Os dados serão recolhidos segundo método desenvolvido pelo projeto PPRISM[2] e pelo projeto do 7.º PQ de IDT que a Comissão está a lançar com vista ao fornecimento contínuo de dados.

No tocante à avaliação, prevê-se que, três anos após a entrada em vigor da legislação proposta, a Comissão avalie se os objetivos da iniciativa foram atingidos. Esta avaliação basear-se-á parcialmente nos principais indicadores de progresso acima mencionados.

[1] Variante do PM2-A = PM2-A com uma diferença: publicação de uma comunicação da Comissão para explicar de que modo as regras vigentes se aplicam aos serviços de movimentação de carga, em vez de propostas de novas disposições jurídicas na matéria.

[2] http://pprism.espo.be .