



## Position of the European Sea Ports Organisation

### On the Regulation 1315/2013 on Union guidelines for the development of the Trans-European Transport network

#### Contribution to the public consultation

July 2019

#### Introduction

The European Sea Ports Organisation (ESPO) welcomes the opportunity to participate in the public consultation on the Regulation 1315/2013 on Union Guidelines for the development of the trans-European transport network.

ESPO very much agrees with the decision to start the assessment and review process now, allowing, if possible, to advance the review and align the possible revision as much as possible with the new Connecting Europe Facility II and the Multiannual Financial Framework 2021-2027.

ESPO is a **strong supporter of Europe's Transport Infrastructure Policy framework** as set out in the Regulation 1315/2013. For the first time, the 2013 policy framework recognised the importance of seaports as primary nodes of a multimodal transport infrastructure network by identifying 104 core seaports and 225 comprehensive seaports. By **giving 329 seaports a prominent role in the TEN-T framework**, the TEN-T policy reinforced the multimodal gateway position of European seaports.

For European ports, the **current evaluation and review must be used as an opportunity to update the TEN-T network** in relation to:

- New market realities (such as volume growth, scale increases);
- New societal challenges (climate, air pollution, noise, increasing urbanisation);
- New needs (digitalisation, automation, e-commerce); and as a consequence,
- The changing role of European ports.

This review should, however, **not lead to changing the rationale and basic aims of the TEN-T policy**, which is to achieve an efficient, sustainable and multimodal Transport Infrastructure Network.

ESPO considers that the TEN-T framework needs to remain flexible enough to adapt without delay to the more rapidly changing world.

Over the last years, European ports have been very much involved in the implementation of the TEN-T framework and have gained experience in working with the financial instrument, the Connecting Europe Facility.

In 2018, ESPO commissioned a **study on the investment needs of European seaports**. This study identified the drivers and investment needs of European ports and analysed the ability of ports to make use of EU funding and financing instruments. The study also made recommendations on how the CEF could be further improved.

The detailed findings and recommendations of this study contain valuable information in addition to the current position paper:

[https://www.espo.be/media/Port%20Investment%20Study%202018\\_FINAL\\_1.pdf](https://www.espo.be/media/Port%20Investment%20Study%202018_FINAL_1.pdf)

## The complex and changing role of European ports and their managing bodies

The European Union (EU) is highly dependent on seaports, both for **trade** with the rest of the world and for trade between Member States. 74% of goods (in tonnes) imported and exported and 37% of **intra-EU transport flows** make use of seaports<sup>1</sup>.

In addition to freight transport, about 400 million **passengers** embark and disembark in EU ports every year<sup>2</sup>.

Ports do not only accommodate freight and passengers. They are also often **energy nodes, clusters of industrial logistics** and also **tourism/leisure** activities. For instance, ports are energy hubs for conventional, renewable energies and circular economy. Thus, ports have a major role to play in decarbonising the economy beyond the port area and port operations, by facilitating alternative energy solutions.

Being at the **crossroads between supply chains**, port managing bodies have a pivotal role in the digitalisation of the supply chain as facilitators (and even as neutral data managers) between all parties involved in port operations, both sea-shore and port–hinterland.

Ports generate **employment** for about 470,000 people directly and help sustain an additional 3 million jobs, in areas such as warehousing or export oriented manufacturing<sup>3</sup>. Ports also contribute to territorial cohesion within the EU: for islands, ports constitute a crucial link to continental Europe and, in regions with a weak economic basis, efficient seaports can be a catalyst for the development of the region.

*In short, European ports are at the crossroad of supply chains, they cluster transport, energy, industry and blue economy. European ports and their managing bodies are at the service of the European economy and society. They are a strategic partner in responding to today's main challenges of decarbonisation and digitalisation.*

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<sup>1</sup> European Commission, 2018, see [https://ec.europa.eu/transport/modes/maritime/news/2016-06-27-ports\\_en](https://ec.europa.eu/transport/modes/maritime/news/2016-06-27-ports_en)

<sup>2</sup> Eurostat 2018, [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=mar\\_mp\\_aa\\_cph&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=mar_mp_aa_cph&lang=en)

<sup>3</sup> ESPO Study “The Infrastructure Investment Needs and Financing Challenge of European Ports”

## The main goals of EU Transport Infrastructure policy

As multimodal transport nodes, European seaports depend on a well-functioning TEN-T network and therefore fully support the objective of establishing an efficient, sustainable, digital, and safe European transport network, providing accessibility and connectivity to all EU regions.

In addition to infrastructure development and cross-border links, the efficient use and the modernisation of the existing network becomes more and more relevant. In this regard, infrastructure development and transport operations need to be more closely coordinated.

In order to equip Europe's transport network for the future, investments in the existing infrastructure will be necessary to meet the challenges for environmental sustainability and to digitalise the transport sector. Decarbonisation of the logistics chain and innovative and intelligent transport solutions are in this regard a main priority.

Given their nodal position, being at the crossroads of supply chains, state of the art technological solutions in seaports can bring high added-value to the efficient functioning of the entire logistics chain. In order to facilitate multimodal transport chains, more emphasis needs to be placed on the multimodal connecting points.

Finally, the European Transport Infrastructure policy should be more closely connected to the European Energy and Digital Infrastructure policy. Transport, energy and digitalisation are becoming increasingly interconnected. European ports can play an important role in enhancing the synergies between the different networks.

## ESPO's priorities for the review of Regulation 1315/2013

### 1. Criteria for TEN-T core and comprehensive ports

The TEN-T Regulation establishes, in its article 20, paragraph 2 a) and b) a set of quantitative thresholds for identifying which maritime ports are part of the comprehensive network. There are thresholds for both freight volumes and passenger volumes. The criteria for being a core TEN-T port are based on the volume criteria for being a comprehensive port, but are not stated in the Regulation and instead laid down in the staff working document SWD(2013)542.<sup>4</sup>

ESPO supports the concept of the dual-layered TEN-T network with multimodal corridors. European ports believe however, that the two layers should not be developed next to each other but with a view to interconnect and to support each other. More emphasis on connecting the comprehensive

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<sup>4</sup> It is to be noted that the role a port can play in the TEN-T network cannot always be assessed on volume criteria only, other qualitative criteria are equally important.

network with the core network in the implementation of the TEN-T policy would enhance the complementary function of the comprehensive network and the functioning of the overall TEN-T network.

- ⇒ ESPO believes that the **criteria for becoming part of the core network should be made very clear and transparent**, even if they are not included in the legislation.

In the Staff working document that establishes which maritime ports are to become part of the core network, quantitative criteria are set out for freight volumes, but no criteria are set for **core ports based on passenger volumes**.

About 400 million passengers pass through Europe's ports every year using ferry and cruise services. In many cases ferry connections are real life lines connecting remote areas and islands to the mainland and the economic and industrial growth areas. They can thus be considered as an important contributor to enhancing the connectivity and accessibility of all regions of the Union, and thus the economic and social cohesion, one of the main EU objectives. Moreover, maritime passenger transport can increasingly become a sustainable alternative for the current travelling modes between two countries and/or destinations.

- ⇒ ESPO believes that ports must also be able to become a core port because of the prominent role they play in the transport of passengers. **Clear criteria for the uptake of "passenger ports" in the core network should be developed.**

The current Regulation foresees a **procedure for updating the comprehensive network**. Article 49 proposes to **include** maritime ports in the network if they comply with the volume criteria during **two years** and **exclude** them from the network when they have not reached the volume thresholds during **six years**.

- ⇒ ESPO believes that the periods to get in and out of the TEN-T network should be aligned and considers a three year period in that respect more adequate;
- ⇒ This period might be prolonged in specific crisis situations (e.g. crisis 2008) or exceptional external circumstances that can drastically impact port business (e.g. Brexit);
- ⇒ The seaports located on islands should be subject to an in-depth analysis during the regular updating of the comprehensive network: islands ports should be assessed in terms of connectivity and not only on the basis of their role of being the sole point of access to a NUTS 3 region.

## 2. Port clusters

Since 2013, European ports are increasingly involved in a process of cooperation, clustering and merging. With this development, ports respond to the overall scale increase in the maritime, transport and logistics sectors. The integration process between different ports can contribute to enhancing the efficiency of the transport network which is one of the main aims of the TEN-T policy.

The clustering, cooperation and merger between different ports in Europe, both top-down and bottom-up, risks to cut across the initial identification of "core" and "comprehensive" ports. While a clustering of two core ports or a clustering of two comprehensive ports is not impacting the TEN-T

status of the individual ports, the merge or cluster of a core and one or more comprehensive ports raises questions on the status of the cluster and its different components. It might become difficult to assess the volume criteria of an individual port of the cluster in case of advanced cooperation and/or merger.

This reality has already been recognised in the **2013 Staff working document SWD(2013)542**, which states: *Seaports which are immediate neighbors and together fulfil the volume threshold, even if individually they would not, may be considered as a cluster, if they have common hinterland connections, except for the "last mile", or if they cooperate closely, e.g. under common management, or supplement each other in function.)*

- ⇒ ESPO believes that **the respective status of the individual ports in the TEN-T network should not be changed;**
- ⇒ **Clustering and cooperation of ports should however be encouraged and recognised in the TEN-T policy.** This development may require the TEN-T policy to approach ports not only in function of their “comprehensive” or “core” status and volume criteria, but to consider them as well in view of their function in and contribution to the TEN-T network and/or on the TEN-T corridor(s);
- ⇒ ESPO believes that the clustering of seaports and inland ports in their direct hinterland should equally be addressed;
- ⇒ ESPO supports the approach taken in **the Staff Working Document SWD(2013)542** on port clusters. This definition should be the basis of assessing current and future port clusters, bearing in mind that the “highly integrated management structure” is a pre-condition for considering different ports as a cluster; the concepts of “port” and “port cluster” should be defined in the Regulation;
- ⇒ **Maritime cross-border port clusters** (i.e. highly integrated ports in at least two Member States, separated by a sea border) should equally be considered as a port cluster under the same conditions, even if they do not have a joint hinterland;
- ⇒ A comprehensive port in a port cluster should be considered as “core” for the completion of a specific project, that strengthens the core and corridor function of the core port in the given cluster and contributes to fulfill the priorities of the development of the core network node;
- ⇒ The **geographical position** of the different ports of the cluster with respect to the core network and corridors should play a role in that respect.

### **3. Cross-border links**

One of the main objectives of the current TEN-T policy is to close missing links and remove bottlenecks, with a strong focus on cross-border connections. The TEN-T regulation includes the definition of a “cross-border section” as a *section which ensures the continuity of a project of common interest between the nearest urban nodes on both sides of the border of two Member States or between a Member State and a neighbouring country*. Whereas this definition is clear for land-based cross-border sections, it only covers a part of the TEN-T network since it does not acknowledge maritime cross-border links.

Even if ports are situated in one Member State, they are Europe's gateways for trade with other EU Member States and third countries and serve a hinterland and a catchment area which goes beyond their local and national borders.

- ⇒ ESPO believes that **seaports should be considered cross-border actors and international in nature. Port projects** which create a value for the society that exceeds the national borders, by increasing connectivity on the sea side and by enhancing the connectivity with the wider hinterland and economy, as well as increasing the sustainability of the transport and logistics chain, **should be prioritised on an equal basis with cross-border land transport infrastructure projects;**
- ⇒ **Motorways of the Sea (MoS) projects between two Member States must be considered as cross-border maritime projects** and must be seen as an important tool to enhance maritime transport between the Member States.

#### **4. The (structure of the) TEN-T regulation should better reflect the role of European ports as strategic nodes**

The current structure of the TEN-T guidelines departs from a very modal approach towards the TEN-T network.

In section 4, Maritime ports are considered as a component of maritime transport infrastructure and their infrastructure requirements are defined in that section. Whereas maritime transport is indeed the *raison d'être* of every seaport, European ports are at the crossroad of the logistics supply chains bringing together all modes of transport (road, rail, inland waterways, air transport). They do not only include maritime infrastructure components, but also transport infrastructure such as roads, bridges, tunnels, junctions, parking areas, freight terminals and logistic platforms, railway tracks, sidings and marshalling yards. In addition, European ports are often hubs of energy and are increasingly digital hubs at the service of the transport and logistics chain.

- ⇒ ESPO believes that seaports are **more than a "component of maritime transport infrastructure"**. The new TEN-T guidelines should be adapted to recognise the role many seaports are playing as strategic multimodal nodes, nodes of energy and digital hubs on top of their classical role as component of maritime transport infrastructure. The future TEN-T regulation should therefore put a stronger emphasis on seaports as transport nodes; a special section on "Nodes" emphasising the strategic nature of seaports should be considered in the regulation, in addition to the list of nodes featured in Annex II;
- ⇒ The **synergy between transport, energy and digital networks** should be addressed and emphasised; the role of seaports should be recognised in that perspective; the energy grids should be enhanced to cope with the increasing OPS needs and use; improving the connection to the fibre optic grid is also of major importance for ports.

#### **5. Motorways of the Sea**

Motorways of the Sea (MoS) is the maritime dimension of the trans-European transport network. The full integration of the maritime dimension into the land-based TEN-T corridor system is crucial

for the overall logistics supply chains. European seaports are most often neither the source nor the ultimate destination of freight flows and thus depend on good access conditions and efficient and sustainable hinterland links.

MoS priorities are based on the three pillars of the Detailed Implementation Plan: (1) improving the environment, (2) integrating the maritime transport in the logistics chain and (3) improving safety, traffic management and the human element. The current TEN-T regulation establishes in Article 21 the modalities for MoS projects of common interest, which have to be proposed by at least two Member States and include at least one core port.

- ⇒ ESPO stresses the importance of **Motorways of the Sea** as an **integral and important part of the TEN-T network** and believes that the maritime dimension should be considered equally important as the land-based TEN-T corridors;
- ⇒ ESPO believes that **the current MoS project requirements are too complex** to utilise the full potential of Motorways of the Sea. Some of the requirements seem to be more appropriate as a priority for a given call (f.e. application by at least two Member States), than as a feature of the maritime dimension of the TEN-T network. **Short-sea shipping** should be strongly facilitated as **an equally important transport mode for intra-European transport next to rail, road and/or inland waterway transport**. In this regard, short-sea links within one Member State should also be facilitated, as well as the set-up of regular lines rather than permanent lines;
- ⇒ ESPO considers that Motorways of the Sea should not only focus on port-to-port connections but also **include**, where relevant, **the connections to the hinterland**. In this regard, MoS should include the possibility to make the link to the extended gateway to the inland and dry port(s) in the hinterland;
- ⇒ While MoS links between a comprehensive port and a third-country port are being recognised in the current TEN-T Regulation (article 21, (1) a), the maritime link and its hinterland connections between TEN-T core ports and ports located in third countries should also be considered in the Regulation;
- ⇒ Maritime transport is the only sector for which detailed eligibility requirements are set out in the TEN-T Regulation. ESPO believes that the infrastructure priorities and development priorities should be defined in the regulation itself, but that **the more specific project application requirements are to be set out in the respective call(s)**.
- ⇒ Next to establishing and promoting maritime links, the priorities of Motorways of the Sea should focus on environmental sustainability, accessibility of access channels and fairways (dredging), as well as the integration of ports in the hinterland;
- ⇒ Overall, operational support in the framework of MoS should be avoided since it leads to distortions of competition.

## 6. Priorities for maritime infrastructure development

The priorities for maritime infrastructure development as defined in article 23 should be updated in function of the new needs and challenges, the technological innovation and the evolving role of ports at the crossroads of supply chains.

- ⇒ **Digitalisation** should be one of the top priorities of maritime infrastructure development. The paragraph c) should be further developed and cover all existing developments in the field;
- ⇒ ESPO suggests to emphasise the role of **last-mile rail connections** in and to the seaports. The port railway constitutes the linkage between private terminals and the main rail network and is crucial for the functioning of multimodal logistics supply chains. In this regard, the port railway infrastructure of TEN-T ports should be considered as an integral part of the TEN-T rail network;
- ⇒ European ports believe that, the introduction of new technologies and innovation for **the promotion of clean fuels** and energy-efficient maritime transport as referred to in point d) of article 23 should be prioritised. Given the current technological innovation and the different possible pathways, **no reference should be made to any specific technology**. While recognising its important role, ESPO believes no specific reference should be made to LNG;
- ⇒ Moreover, ESPO believes that ports, in their role as multimodal and industrial hubs, can play a role in the generation and supply of **clean energy infrastructure for all modes of transport**.

## 7. Modernising the network in terms of sustainability and innovation

Considering challenges such as climate, air pollution, growing urbanisation and developments such as digitalisation, automation, e-commerce it goes without saying that the modernisation of the transport network is becoming an increasingly important pillar of the TEN-T guidelines.

The basic framework for a state-of-the-art TEN-T network is already foreseen in the **articles 31 to 36** of the Regulation.

- ⇒ ESPO believes the common provisions that set out the basis for addressing the current challenges and developments directly impacting on the TEN-T network and implying **the modernisation of the network need to be prioritised in the guidelines, as well as further developed and updated**;
- ⇒ References to the **EU legislation setting the targets and policy for addressing these challenges should be made**;
- ⇒ **The connection to the grid should be further enhanced and prioritised**.

Article 35 of the TEN-T regulation asks Member States to give consideration to improving resilience to climate change and to environmental disasters during infrastructure planning.

While climate resilience might be important for all transport modes and infrastructure, it is particularly important for waterborne transport infrastructure and maritime ports. Seaports and also inland waterways are in particularly impacted when sea levels rise and extreme weather conditions occur.

- ⇒ ESPO believes that **seaports and waterborne transport should be seen as a priority in ensuring resilience to climate change**.

## 8. TEN-T and third countries

It is important that the TEN-T network connects in an adequate way with the **neighbouring countries** with which the Union has a close cooperation on transport issues.

- ⇒ ESPO supports the extension of the TEN-T network with those neighbouring countries with which the Union has signed a high-level agreement on transport infrastructure networks; maritime connectivity should be promoted across the Baltic sea basin, the Black sea basin and the Mediterranean;
- ⇒ Motorways of the Sea links with third countries on a shared sea basin should be further encouraged;
- ⇒ While third countries bordering EU-shared sea basins can offer a great commercial opportunity for many European ports, it should be recognised that some European ports located on these basins have a particular challenge in terms of security investment needs.

In 2015, the **EU-China Connectivity platform** has been set up as a tool to strengthen the synergy between the Belt and Road Initiative (BRI) and Europe's Transport Infrastructure policy.

- ⇒ ESPO welcomes the EU-China connectivity platform and believes it is important to cooperate in an open, transparent and constructive way to see how the Belt and Road Initiative on the one hand and the TEN-T network on the other hand can be linked in the most effective way;
- ⇒ However, this exercise should not undermine the TEN-T network, its priorities and features, which are and should remain the cornerstone of Europe's Transport Infrastructure policy. This policy should not be determined by outside players.

In March 2019, Regulation 2019/495 was adopted as a contingency measure on the realignment of the North Sea–Mediterranean Corridor in case of a “no deal” **Brexit**. Many directly impacted seaports have already taken emergency measures in preparation of the “no deal” scenario. However, should the UK leave the Union without any agreement, longer-term investments in adaptation measures will be necessary.

- ⇒ ESPO welcomes the agreement and recognises that the TEN-T network must be ensured for the trade within the EU 27, in case of the UK's withdrawal from the Union without an agreement;
- ⇒ The adaptation of the network and of the ports to the alignment and the new borders of the Union, also in case of further enlargement of the EU, should be seen as a priority and should be supported.

## 9. Deadline for realising the core and comprehensive network

The TEN-T Regulation prescribes that Member States should take appropriate measures to comply with the requirements for the core network by end 2030, and to comply with the requirements of the comprehensive network by 2050. It is to be noted that we are only one financial period away from the 2030 deadline.

- ⇒ ESPO considers that the deadlines can only be met with the full support of Member States, and if the engagement of the Union and its Member States comes with **a corresponding**

**budget.** The envelope for CEF under the forthcoming Multiannual Financial Framework is critical if these deadlines are to be met;

- ⇒ ESPO's study on the investments needs of European ports has revealed that **the ports' investment needs amount to 48 billion EUR over the next ten years**; the needs are very diverse and mirror the complex and diverse role of ports in Europe. Many investments create high societal value, but the limited and slow return on investment makes external funding necessary;
- ⇒ Member States remain in many cases the main stumbling block to the progress in cross-border projects of strategic importance. Member States should understand that the TEN-T network as defined in the guidelines is part of the *acquis communautaire* and should be implemented;
- ⇒ ESPO stresses that the completion of the network also requires the fulfilment of sustainability criteria. It is important to have clarity on the requirements to be met as soon as possible.

## 10. Coherence of TEN-T and other policies

To exploit its full potential the TEN-T policy must be supported and further reinforced by other EU policies. Coherence is needed across policy areas, in terms of policy objectives, as well as in terms of permitting procedures and project implementation.

The European Commission should seek more consistency in cross-cutting issues, such as:

- ⇒ The policy on the promotion of alternative fuels is not fully coherent. ESPO believes that the provision and **support for alternative fuel infrastructure** in the ports is not enough to enhance the use of alternative fuels and that it **must be accompanied by corresponding measures on the users' side**; in addition, the current taxation regimes making the use of alternative fuels less attractive must be addressed; the policy on alternative fuel infrastructure in the ports should also go hand in hand with measures on the connectivity to the grid and the availability of a clean grid.
- ⇒ ESPO considers that the **TEN-T policy and the structural and cohesion policy are not always fully aligned** in their priorities; the same counts for sustainable urban mobility policy.
- ⇒ The infrastructure categories eligible for funding under the military mobility pillar should be coherent with the infrastructure categories eligible for funding under Motorways of the Seas;

## 11. The Role of the Coordinators

In accordance with the current Regulation, for each core network corridor, ERTMS and MoS, a Coordinator has been appointed to coordinate the implementation. In addition, a Corridor Forum has been set up as a consultative Forum for each core network corridor, chaired by the TEN-T coordinator, with the aim to assist the Coordinator in the performance of his tasks (work plan and implementation of the corridor).

- ⇒ ESPO **welcomes the positive attitude of the TEN-T coordinators** towards the role seaports can play as key strategic nodes in the corridors and appreciate their high level of understanding;
- ⇒ European ports recognise the important role of the TEN-T corridor coordinators and believe that **this role should be further enhanced**: they should not only be facilitator for their own corridor; they could also fulfil an important role as **an “ambassador” of the TEN-T policy** and its realisation certainly towards the Member States on their corridor;
- ⇒ ESPO believes that **the MoS coordinator should be fully recognised as the coordinator of the whole maritime dimension of the TEN-T network**; all other TEN-T coordinators should continue to work very closely with the MoS coordinator, since both dimensions cannot be considered separately;
- ⇒ ESPO realises that **the TEN-T coordinators’ facilitating role very much depends on the goodwill of the individual Member States**; ESPO regrets in that respect that a single Member State can block the further implementation of a core network corridor, even if these corridors are part of Union legislation, and should be implemented and respected;
- ⇒ The corridor work plans and the corridor fora are useful instruments. They should be further optimised in order to increase their effectiveness.

## 12. Annexes to the Regulation

The current annexes to the Regulation consist of a series of maps (Annex I), completed with a list of nodes by country in Annex II. The nodes listed in Annex II are: urban nodes, airports, sea and inland ports and road-rail terminals. The list is made on the basis of the place where these nodes are situated.

- ⇒ ESPO recognises that the listing of nodes on the basis of the position of the individual ports allows to have a clear geographical view of the network; many managing bodies are however managing different ports; in addition, following the corporatisation of ports, ports are often better known under their company name than by their location; an adequate solution should be found when reviewing the TEN-T legislation;
- ⇒ The criteria for a maritime port to be considered as well as a **rail-road terminal (RRT)** should be further clarified;

## 13. Other issues

- The efficient use of infrastructure must be an assessment criterion in the audits: these audits should be further enhanced;
- The TEN-T guidelines should be streamlined with the implementation of the rail freight corridors (Regulation 913/2010) and ERTMS corridors.