



Position of the European Sea Ports Organisation

on the Commission proposal for the revision of the Union guidelines for the development of the Trans-European Transport Network (TEN-T)

April 2022

1. Introduction

The European Sea Ports Organisation (ESPO) welcomes the Commission proposal setting out the new guidelines for the Trans-European Transport Network (TEN-T). Since 2013, European ports have been a strong supporter of Europe's transport infrastructure policy framework, which recognises ports as strategic nodes of the network.

ESPO welcomes that the proposal, which was published on 14 December 2021, keeps the rationale of the current TEN-T network and places a main focus on stability and continuity of the network.

Europe's ports support in particular that the Commission's proposal strengthens the importance of the maritime dimension through the concept of the 'European Maritime Space' and by facilitating short-sea shipping connections, which are a sustainable modal shift option for intra-EU transport. In addition, ESPO welcomes that the proposal recognises the multi-dimensional role of ports within the framework of Europe's TEN-T policy. It defines maritime ports as the entry and exit points for the land transport modes of the trans-European transport network and, most importantly, for the first time, explicitly recognises their role as cross-border multimodal nodes which serve not only as transport hubs, but also as gateways for trade, industrial clusters and energy hubs.

ESPO acknowledges the overall increased ambitions for the network, but is concerned that the currently available funding and financing instruments are not adequate to achieve the ambitious standards and deadlines. In view of the added element of urban nodes, the extended core network and new standards, including a new deadline of 2040, European ports stress the need for increased funding opportunities and the importance of a balanced funding approach between the different transport modes and nodes. The Commission proposes to consider the extended core network as "core network" for the purpose of the CEF II Regulation and the funding priorities. As the extended core network only includes lines and no nodes, European ports are concerned that an increased share of funding will go to the modes of transport concerned. ESPO calls for the European Maritime Space to be considered a priority both within the TEN-T network and for the Connection Europe Facility's Transport Calls and to receive a solid share of the CEF budget.

2. ESPO welcomes the recognition of the cross-border and multi-dimensional role of ports

The European Union is highly dependent on its maritime ports, both for trade with the rest of the world and for intra-European trade. 74% of goods (in tonnes) imported and exported and 37% of intra-EU transport flows make use of seaports. In addition to freight transport, about 400 million passengers embark and disembark in EU ports every year, on average.

ESPO welcomes that the Commission's proposal for the first time explicitly recognises the cross-border impact of seaports. Port infrastructure development mostly serves to increase cross-border connectivity, both on the seaside, as well as in the hinterland. Many port projects create a value for society, which exceeds national borders, by increasing connectivity on the seaside and by enhancing the connectivity with the wider hinterland and economy. Thus, these projects facilitate cross-border and international supply chains and should be prioritised on an equal basis with cross-border land transport infrastructure projects.

The Commission proposal aims to facilitate a more sustainable modal composition of the transport system, to foster multimodality and interoperability between the TEN-T transport modes. Seaports are strategic multimodal nodes where all modes of transport come together and are essential crossroads for functioning multimodal logistic chains. European ports are a key component in achieving the Commission's objectives in this regard. ESPO welcomes the increased attention to last-mile connections, the recognition of seaports as part of the urban nodes as well as the focus on developing a multimodal freight terminal network. **The standards and requirements have to be fit for purpose and take account of the diverse port profiles and configurations, the complex maritime, inland waterway and rail infrastructure networks inside the port areas, as well as spatial limitations.**

Since 2013, European seaports 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. Moreover, the integration process between different ports, also with inland ports, can contribute to enhancing the efficiency of the transport network, which is one of the main aims of the TEN-T policy.

ESPO believes that clustering and cooperation of ports should be encouraged more strongly and recognised by the TEN-T guidelines, both for core and comprehensive network ports. Fully merged ports with a single economic integrated plan and ports managed by the same legal entity should be recognised as one port within the network. The different locations of a fully merged port should have an equal position and importance within the relevant European Transport Corridors.

In some cases, 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. This development may require the TEN-T policy to approach ports not only according to their "comprehensive" or "core" status and volume criteria, but to consider them as well in regard to their function in and contribution to the TEN-T network and/or on the TEN-T corridor(s).

European ports not only play a critical role for maritime transport, but by being at the crossroads of multimodal supply chains and in their function as hubs of energy, industry and blue economy, ports can substantially contribute to a sustainable, digital and resilient European economy.

Next to their core task as nodes in the transport and logistics chains, European maritime ports increasingly take up new responsibilities and are involved in new services, such as sustainable energy production, transport and supply, circular economy, blue economy sectors, carbon capture, utilisation and storage, as well as industrial ecology.

European ports welcome the recognition of ports as energy and industry hubs but believe this recognition should be further enshrined in the articles of the proposal. The energy transition is impacting and will impact maritime ports far beyond their role in the decarbonisation of transport. Ports will also play important roles as suppliers, producers, storers or importers (landing point) of new sustainable energies at the service of Europe's economy. In this regard, ESPO regrets that **pipelines** have not been included in the proposal as a sustainable transport mode and calls for **increased synergies and complementarity between TEN-E and TEN-T**, to adequately cover port infrastructures which are important elements for both the energy and transport sectors. New developments, such as the growing offshore sector and the emergence of energy islands should be recognised and their transport needs should be reflected in a modern and forward-looking TEN-T framework.

Furthermore, European ports believe that transport volumes should not be the only decisive factor, as ports have long been moving away from only counting tonnes. **The role of a port for its respective Member State in terms of cohesion, including distance to the nearest port, strategic geopolitical position, energy transition and sustainable transport solutions should also be taken into consideration.** Connectivity is a cornerstone of the TEN-T network. The essential role of ports for the connectivity of EU's peripheral island Member States and for the EU outermost regions should be considered with priority in this regard.

ESPO recognises and supports the Commission's more flexible approach in view of the volume threshold levels to be met by maritime ports to stay in the TEN-T network, following which established TEN-T ports need to meet 85% of the threshold to remain included.

While understanding the need for quantitative (volume) thresholds for delimiting the TEN-T network, ESPO believes that today other criteria might have to be taken into account to reflect the new roles of ports, especially if those are in line with Europe's Green Deal ambitions.

Moreover, it is important to understand that **"being a TEN-T port" has an impact that goes far beyond the mere transport infrastructure policy.** Over the last ten years, the TEN-T status has been determining the application of most EU legislation of importance to ports (Port Services Regulation, Alternative Fuel Infrastructure Directive, Port Reception Facilities Directive) and has also been a basis for national recognition and support of the port. Falling out of the TEN-T network might create uncertainty about the EU policies to apply and instability in the national policy frameworks.

For these reasons, ESPO proposes to assess for those ports that have been a TEN-T port since 2013 whether there are development plans which will allow to reach the quantitative thresholds in the coming years and/or if their logistic and transport role has been complemented with another role which justifies their presence as part of TEN-T.

- ESPO welcomes the recognition of the cross-border character of European seaports; port projects facilitating cross-border supply chains and connectivity should be prioritised on an equal basis with cross-border land transport infrastructure projects;
- ESPO welcomes the recognition of seaports as part of the urban nodes, as well as the increased attention to last-mile connections and multimodal freight terminals;

- ESPO believes that port clustering should be encouraged and recognised for both core and comprehensive ports;
- ESPO regrets that the proposal does not recognise pipelines as a sustainable transport mode and calls for stronger synergies between TEN-T and TEN-E;
- ESPO believes that cargo and passenger volumes should not be the only decisive factor for being part of the TEN-T network;
- ESPO proposes that current TEN-T ports should be assessed more thoroughly before being excluded from the TEN-T network.

3. European Maritime Space: ESPO supports the stronger maritime dimension

Maritime transport plays a key role for the European economy, transporting about three quarter of its external trade and approximately one third of its internal trade.¹ ESPO strongly welcomes the introduction of the European Maritime Space concept, which European ports consider a major improvement from the previous Motorways of the Sea approach. The maritime dimension is an essential component of the TEN-T network and short-sea shipping plays a key role in increasing the sustainability of Europe's transport sector.

The **promotion of short-sea shipping (SSS) connections** is important to reach the modal shift target of the Sustainable and Smart Mobility Strategy², as well as to support a diversification of supply chains and near-shoring to third countries sharing sea basins with the European Union. In addition, short-sea shipping plays a crucial role for the resilience of the European transport network in times of (land) border crossing restrictions and for the connectivity of island Member States. The definition of 'short-sea shipping' should also take into account the connectivity needs of the EU outermost regions.

European ports, therefore, welcome that **maritime links between two comprehensive ports as well as maritime connections within one Member State are recognised** under the proposed European Maritime Space. The inclusion of these links levels the playing field between the land-based transport modes and short-sea shipping and gives the same recognition to maritime links as to rail, road and inland waterway transport connections.

ESPO regrets that **maritime passenger transport** is completely absent from the Commission's proposal, while about 400 million passengers embark and disembark in EU ports every year on average. Ferry transport is not only essential for the connectivity between the European mainland and the insular regions, but can in certain cases serve as a sustainable alternative transport mode, also to short-haul flights, or in the framework of urban mobility. Any planned TEN-T investments for upgrading the necessary infrastructure should also look at the potential of maritime passenger transport.

¹ Eurostat: Trade by mode of transport in value and quantity and Eurostat: Modal split of freight transport, EU, 2008, 2018 and 2019

² COM(2020) 789

- ESPO welcomes the recognition of short-sea shipping as a sustainable transport mode and the promotion of short-sea shipping connections by recognising links between two comprehensive ports and within one Member State;
- ESPO believes that the definition of 'short-sea shipping' should take into account the connectivity of EU outermost regions;
- ESPO regrets that the proposal does not consider maritime passenger transport.

4. Seaports are a key element of the European Transport Corridors

European ports fully support the **geographical merging of the Rail Freight Corridors and the TEN-T Core Network Corridors**, as well as the strengthening of the role of the European Coordinators and the Corridor Work Plans.

ESPO is concerned that the revision does not foresee a merge of the governance structures of the Rail Freight Corridors and the TEN-T Corridors and calls for an integrated governance structure for the European Transport Corridors. A highly integrated governance structure will facilitate close coordination and clear distribution of competences. **European seaports are important nodes in the European Transport Corridors and the main entrance and exit points for rail freight operations.** Therefore, ESPO considers it crucial that European ports are adequately represented in such an integrated governance structure, both on the strategic planning and operational aspects.

For Europe's ports, both the rail connections to the national network as well as across borders are important for their operations. Ports depend on external authorities and stakeholders for the development and management of the rail infrastructure and services outside the port area. To enable smooth cross-border freight transport by rail, operational and technical barriers still need to be removed. In that regard, ESPO welcomes the **performance targets for cross-border rail freight** on the European Transport Corridors, but considers that the targets need to be accompanied by more concrete implementation measures and enforcement plans, especially at national level.

- ESPO welcomes the geographical merging of the Rail Freight Corridors and the TEN-T Core Network Corridors;
- ESPO calls for an integrated ETC governance structure and stresses that seaports, as the main entry and exit points, need to be adequately represented;
- ESPO welcomes the rail freight cross-border performance targets, but believes that they need to be supported by implementation measures.

5. Better port-rail connectivity, a win-win for Europe

In Europe, a large share of rail freight passes through its seaports, making European ports a key element in increasing the modal share of rail freight. ESPO considers the improvement of the last-mile connections from the national network via the port rail network to the private terminal sidings a main priority to facilitate rail freight further. In general, European ports fully support the Commission's approach to define rail freight infrastructure from a logistics perspective, including all infrastructure in between the loading and unloading point, but stress that the TEN-T rail requirements need to be applied with a differentiated approach to the complex port rail networks.

European ports **welcome the revision's objective to strengthen the focus on and to improve the last-mile connectivity and the rail service facilities**. However, the rail standards and requirements proposed by the Commission cannot be applied one on one to port rail systems in their entirety. The different components and connectivity points of port rail networks need to be better taken into consideration when setting rail requirement within ports.

Given the significant variations in size, complexity and governance of rail systems within European ports, it is important to apply the rail infrastructure requirements in a target-oriented way. While ESPO considers the new focus on the last mile as an opportunity and fully supports the unobstructed connection from the port to the national railway network, it will not be feasible or necessary for well-functioning rail freight to implement the extensive requirements across the entire port rail network.

In addition, ESPO supports the objective to facilitate combined transport. An implementation of the P400 standard will require European ports to invest in infrastructure adjustments. In order to avoid stranded assets and investments, it is highly important that the standard is supported by the rail and road sector and accompanied by rules on truck and trailer development.

Directive (EU) 2012/34 defines maritime and inland port facilities which are linked to rail activities as rail service facilities. However, port railway infrastructure is embedded within port ecosystems, which leads in many cases to the situation that the **complex service facility "port railway" comprises of several other service facilities** listed in Annex II (e.g. shunting facilities, marshalling yards, (un)loading rail terminal, etc.).

In addition, **European seaports are very diverse with regard to the governance models of the port rail system**. In some cases, a national rail infrastructure manager as defined by Directive (EU) 2012/34 in Article 3(2) is responsible for the infrastructure management, and in other cases port managing bodies manage the port rail infrastructure themselves as a service facility operator as defined in Article 3(12). Mixed systems also exist.

ESPO therefore strongly welcomes the proposed definition of "infrastructure manager", which is applicable to the different rail governance models in European ports. It is however crucial, that full coherence of such a definition is ensured with regard to current European rail legislation to avoid inconsistencies or ambiguities in its application and to ensure access to funding for rail development in European ports. The management of port rail infrastructure is in the vast majority of cases not profitable. Therefore, public support should be possible regardless of the governance model.

European ports support the requirement for both core and comprehensive ports to offer at least one multimodal freight terminal, which is open to all operators and users in a non-discriminatory way and which applies transparent and non-discriminatory charges. However, **ESPO considers it important that multimodal freight terminals, which are connected to and in the close vicinity of a seaport, but**

not inside the port area fulfil this requirement. European ports are increasingly under pressure both in terms of growing maritime freight peaks and limited spatial availability and thus in some cases resort to using terminals outside the port area.

The Commission's proposal requires multimodal freight terminals to be able to accommodate 740m freight trains without manipulation by 2050 the latest. European ports are concerned that in certain cases, it will not be feasible to upgrade a terminal to fulfil the requirement, for instance due to spatial constraints. European ports believe that for existing infrastructure alternative solutions need to be accepted in cases where an infrastructure upgrade is not feasible or viable.

ESPO welcomes the Commission's proposal to have a market and prospective analysis on multimodal freight terminals conducted by the Member States, in order to develop an Action Plan for the development of a multimodal freight terminal network. European ports depend on the multimodal freight terminal capacity in their hinterland to offer sustainable hinterland transport options and to enable multimodal supply chains. As key nodes in multimodal supply chains and the entry or exit point for a large share of rail freight, **it is crucial that European seaports are actively involved by the Member States during the preparation of the Action Plan.**

In the framework of the Transport Calls under the Connecting Europe Facility, ESPO considers it important that port projects which include both a maritime and a rail component, but belong to a single project, can be submitted in a single application. The artificial split into two project proposals increases the administrative burden of the port authority and risks to impede the project's successful implementation.

- ESPO stresses the important role European ports play to increase the modal share of rail freight;
- ESPO welcomes the proposal's objective to improve the last-mile connectivity and to view rail freight from a logistics approach;
- ESPO believes that the standards and requirements need to be applied fit for purpose and need to recognise the complexity and diversity of rail systems in European ports;
- ESPO considers the support of the rail and road sector for the P400 standard important to avoid stranded infrastructure investments;
- ESPO strongly supports the definition of the "infrastructure manager", but stresses the need to ensure its full consistency with existing EU rail legislation;
- ESPO supports the multimodal freight terminal requirement for seaports and stresses that multimodal freight terminals connected to, but outside the port area should also be recognised;
- ESPO considers it important that the proposal provides alternative solutions for existing terminals, if the accommodation of 740m trains without manipulation is not possible;
- ESPO stresses that seaports need to be actively engaged by Member States in the drafting of the Action Plan for a multimodal freight terminal network;
- ESPO believes that projects addressing more than one priority should not have to be split up artificially to apply for CEF funding.

6. ESPO welcomes the improved inland waterway transport approach

European ports support the newly introduced river basin approach as it provides a more targeted and flexible approach than the rigid “class IV” requirement in the current TEN-T guidelines. The proposal enables the Commission to set reference water levels and other requirements per river basin. **ESPO considers it important that seaports connected to TEN-T inland waterways are closely involved in the process of defining the reference water levels and other requirements.** European ports believe that the reference water levels and requirements need to be set in such a way that they enable a reliable inland waterway network. Special attention should be paid to tidal inland waterways and basins to ensure that the requirements adequately reflect the changing water levels and will not impede on functioning transport systems. Current and future activities to improve navigability on inland waterways carried out by Member States should be assessed in their capacity to enable modal shift and their potential in view of reaching the EU Green Deal sustainability objectives.

For maritime ports connected to inland waterways, the new requirement to be equipped with dedicated handling capacity for inland waterway vessels has been introduced. European ports agree that handling capacity should be provided, but stress that **multi-use infrastructure (both handling maritime and inland waterway traffic)** should fulfil this requirement. In that regard, “dedicated handling capacity” should be clarified.

- ESPO supports the proposal’s river basin approach for inland waterway transport and believes that seaports connected to TEN-T inland waterways should be closely involved in setting the water reference levels and other requirements;
- ESPO believes that multi-use infrastructure, both handling maritime and inland waterway traffic, should fulfil the requirement to provide dedicated handling capacity for inland waterway vessels.

7. European seaports play a key role for the resilience of the network

European ports welcome the increased attention to the **resilience of the network**, both in terms of climate resilience and manmade disasters, but also in terms of civil protection needs and cybersecurity.

European ports have been designated as “critical infrastructure” according to the Critical Infrastructure Directive (2008/114/EC). Beyond playing an indispensable role in the supply of goods and the logistic chain, many seaports are also strategic nodes for energy generation, trade, storage and distribution and are increasingly important clusters of industry and blue economy.

Throughout the border closing and travel restrictions caused by the COVID-19 pandemic, **European seaports have remained operational** to ensure the supply of essential goods and medical equipment to Europe’s citizens and thus have proven to be an **essential and strategic part of a resilient European transport system** and for functioning supply chains with third countries. ESPO, therefore, considers that resilience considerations need to be applied with a high priority to European seaports.

In addition, the Commission's proposal extends the scope of the Regulation on foreign direct investment screening (Regulation (EU)2019/452) to all TEN-T projects. **European seaports are strategic assets which are much desired as investment by certain third countries to gain geopolitical influence in Europe.** Investments into essential and/or critical European port infrastructure of general interest, which enable effective participation in the management or control of a company, should therefore be assessed from that perspective.

European ports believe that **proportionality and consistency** should be paramount in the implementation of any screening mechanism to ensure that Europe remains an attractive place to invest in ports and that those signals are clear to investors. Screening processes should be clear and objective. Screening criteria and thresholds should be transparent and targeted specifically at identified causes of concern.

ESPO considers that more transparency among Member States on important foreign direct investments can help them in their decision making. The information received in application of the screening should be used only for that purpose. It is essential that the Commission and Member States ensure full confidentiality in that respect.

- ESPO welcomes the increased attention to the resilience of the network;
- ESPO considers that the resilience of European seaports should be considered with priority, as they are defined as critical infrastructure and have proven to be essential for a resilient European transport system;
- ESPO supports the screening of foreign investment in TEN-T projects, but stresses that proportionality and consistency is key to maintain Europe as an attractive area for investment.

8. Coherence with EU legislation (AFIR, EU taxonomy, CEF II) is crucial to achieve a sustainable transport system

Being at the crossroads of supply chains, hubs of energy, industry and blue economy, maritime ports are at the centre of different EU strategies and rely on coherent policies for the different sectors. ESPO, therefore, stresses the importance of coherence between European transport infrastructure policy and other European policies.

ESPO considers that the **Alternative Fuels Infrastructure Regulation (AFIR)**, FuelEU Maritime and TEN-T need to be closely linked to create a coherent policy framework. European ports welcome that for maritime infrastructure requirements, the Commission's proposal makes direct references to AFIR, which defines the provisions concerning alternative fuels infrastructure.

The current TEN-T revision will update the political priorities and is set to raise the importance of the maritime dimension. In addition, the overall ambition for the TEN-T network has been strengthened by adding additional requirements, geographical sections and by introducing an intermediate deadline for completion. The increased ambition requires corresponding funding, while the current **Connecting Europe Facility II** (CEF II) is already underfunded to develop the TEN-T network as defined in 2013. Both the Commission and Member States, together with the private sector, should address the

growing funding gap. **European ports stress that the next CEF II work programme 2024-2027 should adequately reflect the strengthening of the maritime dimension in the call priorities.**

In order to fulfil their roles as engines of growth and recovery, it is important to support and to step up investments in European seaports, enabling them to remain resilient and fit for a sustainable and digital future. Port investment needs in infrastructure and enhanced capacity will also remain valid, notwithstanding short-term volume drops experienced during the pandemic. Moreover, maritime ports need to adapt basic infrastructure and create additional capacity to serve the new responsibilities, such as in the area of circularity, sustainability and energy provision. The expected diversification of supply chains and nearshoring of industry will also change connectivity needs and possibly increase interest in ports as locations to accommodate certain industries. Investing in Europe's seaports must be seen as investing in strategic and critical infrastructure, which should account for a larger share of the Connecting Europe Facility II than the 4% under the previous CEF³.

ESPO understands that in the light of the Green Deal and Green Recovery plans, the **EU taxonomy** for sustainable finance will also be used as a basis for the EU and Member States when setting public measures or instruments. European ports believe, however, that the sustainability requirements and financing priorities put forward in the TEN-T legislation should remain the basis for EU funding and financing instruments.

Europe's ports are concerned that the EU taxonomy will create another layer on top of the priorities set in sectoral legislation, such as TEN-T, and might impede the completion of the European transport network. Whereas the EU taxonomy considers each economic activity individually, the TEN-T framework provides a more complete assessment of the infrastructure needed to create a sustainable and efficient transport system. Any projects awarded under TEN-T and the Connecting Europe Facility should therefore be considered as taxonomy conform.

- ESPO considers that the Alternative Fuels Infrastructure Regulation (AFIR), FuelEU Maritime and TEN-T need to be closely linked to create a coherent policy framework;
- ESPO stresses that the strengthening of the maritime dimension should be reflected in the next CEF II work programme;
- ESPO calls on the Commission and the Member States to address the growing funding gap in view of the ambitious TEN-T proposal;
- ESPO stresses that the completion of the TEN-T network should not be hindered by the EU taxonomy classification of individual economic activities.

9. Maritime connectivity is important for the extension to third countries

European ports support 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 North Sea basin, the Black Sea basin and the Mediterranean, as well as to, from and within the EU's outermost regions, through investments in European seaports and further encouragement of short-sea shipping links with third

³ The Infrastructure Needs and Financing Challenge of European Ports
https://www.espo.be/media/Port%20Investment%20Study%202018_FINAL_1.pdf

countries. Convergence with European environmental and social policies, including the EU Green Deal, should be considered with priority for the development of those links.

In the framework of near-shoring, the strengthening of the European Maritime Space, including links with third countries neighbouring the EU, will become increasingly important. While third countries bordering EU-shared sea basins can offer commercial opportunities for the EU and many European ports through enhanced connectivity with the neighbouring regions, it should be recognised that differences in environmental and social requirements can lead to distorted competition vis-à-vis the EU internal market and European ports, and risk to undermine the EU Green Deal's objectives. European ports believe that the European Maritime Space, rather than the EU territory, should be the reference for EU measures pursuing the decarbonisation of maritime transport, in particular when accounting for CO2 emissions or fuel carbon intensity on sailings to the EU.

- 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, but also with third countries close to outermost regions;
- ESPO stresses the importance of a level playing field concerning environmental and social requirements and believes that the European Maritime Space should be the reference for decarbonisation measures in maritime transport.



The European Sea Ports Organisation (ESPO) represents the port authorities, port associations and port administrations of the seaports of 22 Member States of the European Union and Norway at political level. ESPO has also observer members in Albania, Iceland, Israel, Ukraine and the United Kingdom. ESPO is the principal interface between the European seaport authorities and the European institutions. In addition to representing the interests of European ports, ESPO is a knowledge network which brings together professionals from the port sector and national port organisations. ESPO was created in 1993.