



## Press Release

### **Deployment of OPS: the level playing field between EU ports is at risk if co-legislators do not adopt consistent pieces of legislation**

**Brussels, February 17<sup>th</sup>, 2023**

FuelEU Maritime and the Alternative Fuels Infrastructure Regulation (AFIR), constitute two important pieces of legislation aiming at bringing down emissions of ships: FuelEU by imposing user requirements on ships to use shore-side and AFIR by laying down ambitious infrastructure deployment targets.

FEPORT welcomes both objectives, as air pollution emitted by ships in the port – such as CO<sub>2</sub>, sulphur oxides, nitrogen oxide or particulate matter – form a pressing concern for coastal areas and port cities due to its impact on citizens' health as well as the local environment.

But to achieve a successful rollout of shore-side electricity, it is essential that different actors in the port/maritime ecosystem need to collaborate and be aligned. Port authorities have a central role in the administration and management of port infrastructure, including alternative fuels infrastructure such as OPS. At the same time, terminal operators need to be closely involved in the process as the installations will occupy a significant amount of space on the quayside, hence affecting the terminals' operations. Coordination is also needed with the electricity provider and with the shipping sector so that supply matches with demand.

As the deployment of OPS is such a complex logistical puzzle, FEPORT has always pleaded for OPS to be provided at those locations in the port (such as berths or terminals) [where it makes the most environmental and economic sense](#).

The deployment of shore-side electricity implies huge investment costs and risks, as there is a lack of voluntary demand from shipping lines to use OPS, and because FuelEU Maritime<sup>1</sup> allows ships to use other zero-emissions technologies at berth.

These investment risks should not be shifted to private terminal operators by compelling them to invest in OPS as it is the case in some ports. Terminal operators have very limited impact on the effective use of shore power. The decision to invest or not in OPS should remain a voluntary commercial decision based on expected return on investment. It is also crucial in this respect that

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<sup>1</sup>FuelEU Maritime (see article 5.3.b of the EU Commission proposal) will allow ships to use OPS *or* another zero-emission technology.

the level playing field between ports is preserved thanks to a clear and harmonized legal framework regarding the responsibility for investments in OPS.

FEPORT therefore calls on the co-legislators, in the framework of the ongoing interinstitutional negotiations on AFIR, to agree on a text which clearly specifies which actor in the port ecosystem is responsible for the provision of alternative fuels infrastructure such as OPS.

FEPORT reiterates that AFIR should be consistent with existing pieces of EU legislation, especially article 2(5) of the Port Services Regulation which specifies that the managing body of the port or where applicable another competent authority is responsible for the management and administration of infrastructure as well as added points 157 and 161 to the 2017 amendment of the General Block Exemption Regulation, which specify that shore-side electricity falls under the definition of port infrastructure.

FEPORT therefore recommends that, in line with the above-mentioned legislation, port authorities and managing bodies of ports remain responsible for building, managing and maintaining the basic infrastructure in ports, including the deployment of OPS and clean bunkering facilities.

Finally, due to the current investment risks, it is crucial to allocate sufficient national and EU funding to the rollout of OPS. The revenues that will be raised via the implementation of FuelEU Maritime and the application of EU ETS to maritime shipping provide an excellent opportunity in this respect. The EU Commission's upcoming examination of the resource needs of the Connecting Europe Facility should also be carried out bearing in mind the need for public funding to support the rollout of alternative fuels infrastructure in ports. Such funding programs should also take into account the technical needs of terminals and the costly adaptations of terminal superstructure that are required for a successful rollout of OPS.

**For more information contact:**

Mrs. Lamia Kerdjoudj

FEPORT Secretary General

E: [lamia.kerdjoudj@feport.eu](mailto:lamia.kerdjoudj@feport.eu)

Mr. Maarten Boot

FEPORT Policy Advisor

E: [maarten.boot@feport.eu](mailto:maarten.boot@feport.eu)

**For more information, please see: [FEPORT - Position Paper on the deployment of OPS - May 2022](#)**