



## **FEPORT Feedback on the revised Trans-European Network for Transport Regulation proposal**

FEPORT represents the interests of 1225 private port companies and terminals performing cargo handling and logistics related activities in European seaports. FEPORT members employ more than 390.000 port workers and have invested more than 56€ billion in equipment (superstructure), training and intermodal solutions over the last 10 years.

FEPORT welcomes the opportunity to provide feedback on the revised TEN-T Regulation and supports the effort towards the completion of the TEN-T core and comprehensive networks and its alignment with the EU's increased environmental and digital ambitions.

The revision of the TEN-T Regulation is of paramount importance for FEPORT members as infrastructure development policies – including the development of clean refueling and recharging infrastructure – can have a significant impact on their operations and investments.

FEPORT members strongly believe in the added value of a multimodal connectivity of EU ports, both for businesses and communities. Removing bottlenecks will be crucial to increase the share of multimodal transport solutions. Moreover, physical connectivity will be as essential as the digital one since in ports all kind of actors are interdependent, and many operations converge. Sharing information in an efficient way is a key success factor for EU ports. Finally, integrating the digital transition in transport will allow to increase its resilience.

FEPORT would like to submit few recommendations in the framework of the ongoing revision of the TEN-T Regulation.

### **1. Need for consistency with the terminology of the Port Services Regulation and the General Block Exemption Regulation**

There is often confusion regarding port stakeholders and their role. In European seaports, a variety of interdependent players, both public and private, are present and all of them contribute to the attractiveness and strategic functioning of EU ports.

Port authorities and managing bodies of ports represent the public interest in the port and are in charge of the construction, management, and maintenance of port infrastructure on behalf of Member States and/or other public bodies or institutions. Seaport terminal operators are in majority private businesses that compete with each other and invest huge financial resources in superstructure, such as equipment, sustainable intermodal solutions, training, and upskilling of port workers.

FEPOR underlines the importance for the revised TEN-T Regulation to safeguard this split of roles when it comes to the responsibilities regarding the building and management of port infrastructure. For this reason, FEPOR supports the inclusion of the definition of ‘managing body of the port’ listed in Regulation (EU) 2017/352<sup>1</sup>. Moreover, the TEN-T Regulation should also be consistent with the terminology present in the 2017 Amendment to the General Block Exemption Regulation<sup>2</sup> defining ‘port infrastructure’ and ‘port superstructure’, so as to clarify the difference between the two and, thus, clearly refer to the body responsible for their building, management and maintenance. It should be noted in that regard that the GBER also specifically stipulates that alternative fuels infrastructure, such as refueling infrastructure or shore-side electricity, falls under the definition of infrastructure.

## **2. Clarity when referring to the requirements regarding a multimodal freight terminal**

In Article 3(m), the revised proposal defines a ‘multimodal freight terminal’ as *“a structure equipped for transshipment between at least two transport modes or between two different rail systems, and for temporary storage of freight, such as terminals in inland or maritime ports, along inland waterways, in airports as well as rail and road terminals, including multimodal logistics platforms as referred to in Regulation (EU) 2021/1153;”*

Regarding port operations, the term ‘terminal’ can refer to different types of operations or geographical locations. Several modes of transport can converge at a terminal, and a variety of activities can take place.

Particular attention should also be paid when using the terms ‘multimodality’ and ‘intermodality’. The two words are often used interchangeably, even though they refer to two different types of movements of cargo. Multimodality refers to the use of multiple modes of transport (ship, rail, truck, barge, and aircraft) for a single shipment. Intermodality entails the integration of several modes in a door-to-door supply chain in which clients designate origin and destination, but not the itineraries and modes of transportation.

## **3. Avoiding waste of public financial resources and taxpayers’ money**

FEPOR and its members are strong supporters of the completion of the TEN-T network, but also believe that it is crucial to continue to maintain and upgrade existing infrastructure which is

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<sup>1</sup> Article 2(5) of [Regulation \(EU\) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports](#)

<sup>2</sup> Article 2(g) added points (157), (158) and (161) of the [2017 Amendment of the General Block Exemption Regulation – extension to ports and airports](#)

already part of the TEN-T core and comprehensive network.

Whenever projects of common interest embody European added value by increasing sustainability, cohesion, efficiency or users' needs, Member States should guarantee that these projects continue to benefit from the optimization of infrastructure, its maintenance, consolidation and upgrading, so as to ensure adequate capacity and long-term usage by users and customers.

Furthermore, any decision by a Member State to stop investing in or downsize an existing infrastructure should be based on a rigorous and extensive socio-economic cost-benefit analysis demonstrating that the infrastructure is no longer in need.

Users and customers of existing infrastructure should continue to benefit from optimization, maintenance, consolidation and upgrading. This is the best means to avoid the squandering of public funds and taxpayers' money that has been invested in European projects of shared interest.

#### **4. Considering the reality of seaport terminals when introducing (binding) requirements for refueling and recharging infrastructure: deployment of infrastructure is a public task**

The infrastructure for alternative energy solutions and fuels has the potential to significantly cut ship emissions both at sea and at berth and its environmental performance is far superior to ships generating their own electricity while at dock. FEPORT therefore supports the regulator's intention to incorporate the Alternative Fuels Infrastructure Directive's criteria in the TEN-T standards.

However, private port operators and terminals should not be responsible for supplying energy to a vessel. Although the consultation of terminals when planning the installation of this infrastructure remains of paramount importance given the impact this may have on their spatial planning and operational arrangements, the key actor in charge of the investment in refueling and recharging infrastructure are port authorities or the managing bodies of ports which have significant knowledge regarding local taxation rules, including tax rebates or exemptions that might stimulate demand from the shipping side, electricity rates, and local (environmental) regulations.

As previously stated, the Port Services Regulation already recognized the managing bodies of the port – i.e., the port authorities – as the responsible actors for building, managing, and maintaining the basic infrastructure. In addition, the 2017 amendment of the General Block Exemption Regulation considers 'alternative fuel infrastructure' as being part of the port infrastructure.

Therefore, FEPORT suggests the amendment of Article 25 of the revised Regulation and the addition of a clear reference to the entities responsible for deploying port infrastructure, i.e., the managing bodies of ports which represent Member States and oversee the building, maintenance, and management of port infrastructure.

#### **5. Improving connectivity and reducing emissions thanks to digitalization**

Private port companies and terminals support the EU's aim to better prepare and strengthen the TEN-T for the digital transition in transport. Beyond the physical infrastructure network, it is

critical for all transport stakeholders to focus on improving ICT infrastructure along the TEN-T core and comprehensive networks.

Within the port sector, interconnected systems allow port terminals to have information on the next mode of transport. Data sharing allows terminals to enhance the management of containers and their movements on the yard in an optimized manner leading to a reduction of emissions.

In fact, digitalization can be an efficient instrument to cut costs and to support a clean and safe transportation. Business-to-business (B2B) and government-to-business (B2G) communication can really boost supply chain efficiency as well as its environmental performance.

To unleash the full potential of B2B electronic exchanges of information, clear principles of governance for data-sharing are also needed.

## **6. Removing local bottlenecks to improve intermodal connections and enhancing the role of terminals in the governance of the core network corridors**

Being at the junction between different modes of transport, seaport terminals fully support multimodal mobility. It is indeed critical to expand seaport connections to inland waterways and rail freight corridors.

However, true intermodal connectivity requires to focus on the reduction of local bottlenecks to provide seamless cargo transshipment from one mode to the next. Port terminals have a strong understanding on how local constraints hinder further integration of the transport system. Their involvement in the governance bodies of the core network corridors is therefore important.

Rail freight should be given a similar importance to passenger rail transport. In addition, more flexible scheduling and freight-only corridor construction and upgrading should be considered and - where relevant - prioritized.

## **7. Promoting combined transport to facilitate emissions reduction and avoiding irrelevant technical requirements for last mile connections**

Combined transport is a practical link between rail and other environmentally friendly modes of transport, such as waterborne solutions. Intermodal freight transport has the potential to play a significant role in modal shift, but this will happen only if policymakers create good conditions ensuring that rail infrastructure is properly adapted to the needs of intermodal freight transport and that adequate capacity is available. It is also crucial to develop the adequate environment for inland waterway transportation solutions and their connection to rail.

FEPOR believes that one way to achieve the modal shift envisioned by the EU Green Deal is to clarify the TEN-T technical criteria for railway infrastructure on a number of points, for instance, regarding the minimum operational speed for freight. Article 16(2)(a) of the Regulation proposal includes connections listed in Article 14(1), point (d), which lists maritime ports. Consequently, this article would impose the minimum operational line speed of 100 km/h for freight trains also to last mile rail connections to maritime ports. Due to safety reasons, trains running on last mile rail connections to maritime ports cannot run at more than 40-50 km/h. As also evoked in

Business Europe's Position paper on TEN-T<sup>3</sup>, a requirement to construct and maintain railway infrastructure on the basis of unfit line speed requirements would lead to a waste of resources. Therefore, the minimum operational line speed for freight trains at service facilities or last mile connections should be lowered to 40 km/h.

It is equally important to introduce criteria regarding the upgrading of transshipment terminals in line with the requirements of the CEF Transport Program.

The consequences of global warming are impacting ports which face recurrent extreme weather conditions that result in either a rise of waters in seaports or a severe decrease of the level of water in rivers reaching seaports. TEN-T policies should prioritize the adaptability of the inland waterway infrastructure to worsening weather conditions, which are likely to become more frequent in the coming future.

The increase in size of vessels is another trend in inland waterborne transport that the TEN-T revision should address. River and canal infrastructure, such as locks and bridges should be upgraded to accommodate larger vessels. More accurate information on water levels and river depth will be equally crucial. Thus, the need to continue the efforts to develop and strengthen the River Information Systems.

#### **8. Considering the role of non-core TEN-T ports in infrastructure development policies**

As previously stated, FEPORT represents the interests of 1225 private port companies and terminals, some of which operate in core network ports, others in the comprehensive network and a majority in non-TEN-T ports. All these companies still play an equally essential role in hinterland connectivity and in the good functioning of the maritime logistics chain. They should therefore be included in the EU and national infrastructure programs and benefit from funding. Efforts to increase port and terminal connectivity should not just focus on the core network, but also include connections to non-TEN-T seaports. A revision of the tonnage and passenger standards of the comprehensive network should also be reconsidered with the goal of integrating smaller ports.

#### **9. Addressing the distortive effects of foreign subsidies in the port sector**

Ports and terminals are vital gateways for the Single Market and strategic nodes that play a crucial role for maritime logistics' value chains. The recent COVID-19 crisis as well as the current war in Ukraine show that seaport terminals are the connecting bridges between maritime and land-based activities, ensuring the security of supply of products, medical equipment, and medicines to all EU households, hospitals, and citizens.

It is therefore fundamental to make sure that non-EU subsidized companies do not distort competition in EU ports and put at risk EU sovereignty and the security of its supplies.

As recognized by the EU Commission's White Paper on Foreign Subsidies, a regulatory gap persists in EU legislation when it comes to internal market distortions caused by foreign subsidies. These subsidies are at times motivated by strategic goals, resulting in a situation where

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<sup>3</sup> See p.5 of Business Europe [position paper on the TEN-T Regulation review](#).

EU firms are unable to compete on an equal basis with publicly subsidized non-EU competitors.

FEPOR T therefore welcomes that the TEN-T revision mentions that, where the Commission considers that the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country is likely to affect critical infrastructure on the trans-European transport network on grounds of security or public order, or has relevant information in relation to that participation or contribution, or the project of common interest concerned, it may issue an opinion addressed to the Member State where the project of common interest is planned.

Nevertheless, FEPOR T calls for a more efficient FDI screening mechanism, allowing a real assessment of potential risks from FDI, including a common perspective regarding strategic assets and ecosystems.

## **Conclusion**

In conclusion, FEPOR T fully supports the revision of the TEN-T guidelines and its alignment with the EU's increased green ambitions. It is nevertheless of paramount importance that the revised TEN-T Regulation retains the definition of 'managing body of the port' and the distinction between 'port infrastructure' and 'port superstructure'. This clarification is essential to attract in a sustainable manner private investments in EU ports.

Moreover, FEPOR T calls for a harmonized and consistent implementation of the revised TEN-T Guidelines which private port operators need when making long-term capital intensive investments. Stable rules and a business friendly environment are essential prerequisites for private investors in ports.

Another important objective of the revision of the TEN-T guidelines should be to avoid a waste of public financial resources in the port sector. This goal can be achieved through the introduction of provisions regarding the maintenance, upgrading and enhancement of existing projects of common interest providing European added value.

FEPOR T members are willing to propose environmentally friendly solutions for cargoes leaving ports. They are also ready to be more involved in the governance bodies of the rail corridors of the core network under the condition that their participation and role are clarified and effective.

Finally, the revised TEN-T Regulation must address the distortive effects of foreign subsidies in the port sector thanks to clear provisions and not only through general recommendations.