



Newsletter – June 2023

Level playing field between EU ports and within the maritime logistics chain must remain a priority

The importance of harmonized implementation of “Fit for 55” proposals and more particularly AFIR, as a means to guarantee a real playing field between EU ports has been extensively debated during FEPORT General Assembly meeting held on June 2nd, 2023, at Saintes Maries de la Mer.

FEPORT members are satisfied that when voting on May 24th, 2023 on the political agreement on the Alternative Fuels Infrastructure Regulation¹ and FuelEU Maritime², the European Parliament reaffirmed the responsibility of Member States in collaboration with the (port) managing body or another competent authority to provide shore-side electricity.

This position is consistent with Regulation 2017/352 establishing a framework for the provision of port services and the 2017 amendment to the General Block Exemption Regulation (GBER) and should not be a matter of heterogeneous implementation in the different European ports. If in some ports, private port operators would be compelled to invest into OPS while in others Member States other operators would not bear the costs of deployment of OPS, then this would create a non-level playing field between operators performing activities in different ports.

Although FEPORT members are still concerned by the risks of cargo diversion to the advantage to non-EU ports once ETS enters to force, they welcome that the Political Agreement on ETS requires the Commission to monitor cargo diversion related effects and propose measures if any impact is found. It will be important that this monitoring starts as soon as ETS enters into force.

¹ [AG \(europa.eu\)](https://europa.eu)

² [AG \(europa.eu\)](https://europa.eu)

The EU Parliament and Council agreement to earmark part of the EU ETS revenues (20 million allowances) for dedicated maritime calls under the Innovation Fund, which can also aim at improving energy efficiency in ports is a very good news that needs to be materialized in a near future.

The topic of the Council directive on ensuring a global minimum level of taxation for multinational groups in the Union, which will have to be transposed by Member States by the end of 2023, represents a real opportunity to remind Member States that tonnage tax schemes can no more include income from inland transport - including loading and unloading operations, logistics and freight forwarding.

It is time that the EU Commission requires Member States to apply EU rules³ regarding the scope of eligibility to tonnage tax. FEPORT believes that the EU Commission which is the Guardian of the Treaty and of the equality of treatment between all economic sectors should restore a level playing field in terms of taxation within the maritime logistics chain.

FEPORT members are confident that the EU Commission will make the necessary amendments to all pieces of legislation and decisions which are in breach of OECD agreement as endorsed by all the Member States and transposed by the Directive⁴ since last December.

FEPORT looks forward to the publication of the Staff Working Document on the Consortia BER as the option that will be chosen by the EU Commission will illustrate its willingness to restore a level playing field within the logistics chain or not.

31.05.2023 – FEPORT participates to European Environmental Ports Conference – Valencia



On the 31st of May, FEPORT participated to a panel discussion on pollution in ports and how to address this which was moderated by Ms. Katalin Dobranszky, Senior Director Innovation, Finance and Fiscal Affairs at ECSA.

The panel consisted of Ms. Valeria Mangiarotti, Director Sustainability and Environmental Issues at MedCruise, Mr. Ashley Woods, Head of Global Environmental Improvement, and Mr. Maarten Boot, Policy Advisor at FEPORT.

³ [Maritime State Aid Guidelines](#)

⁴ [Council Directive on ensuring a global minimum level of taxation for multinational groups in the European Union](#)

The panel focussed on different pollution sources from shipping and ports such as air and noise pollution as well as CO2 and other emissions from ships. Onshore power supply was, for example, discussed elaborately due to its potential to bring down various types of shipping emissions.

Mr. Maarten Boot in his contribution elaborated on how terminal operators can contribute to reducing emissions in ports and throughout the wider supply chain, for example, through vessel call optimization, the greening of their own equipment and by facilitating modal shift.

01.06.2023 – Maritime safety: new proposals to support clean and modern shipping - Brussels

The European Commission (EC) has presented five legislative proposals to modernise EU rules on maritime safety and prevent water pollution from ships.

The proposals aim to equip the EU with new tools to support clean and modern shipping. Three recommendations aimed at enhancing maritime safety regulations are included in the package, with an emphasis on port state control and maritime accident investigations to minimise accident occurrences, protect lives, and avoid environmental damage. The package of proposals includes:

- ***Directive 2009/21/EC on compliance with flag State requirements***
- ***Directive 2009/16/EC on port State control***
- ***Directive 2009/18/EC on Maritime transport accident investigation which aims to***
 - Align EU law with changes in international law, by incorporating accident types currently absent from the directive (e.g. accident involving port workers that take place on board ships in port)
 - Cover also certain types of accidents involving small fishing vessels (less than 15m)
 - Provide more clarity on the circumstances in which accidents should be investigated
- ***Directive 2005/35 EC on ship-source pollution and the introduction of penalties will***
 - Extend the scope to harmful substances carried by sea in packaged form, sewage, garbage and discharge water and residues from scrubbers
 - Ensure that the EC will assist the training of relevant national authorities, facilitate whistle-blowers reporting potential pollution incidents and improve environmental protection
 - Ensure a better monitoring system
- ***Regulation (EC) No. 1406/2002 establishing the European Maritime Safety Agency (EMSA) will:***
 - Update EMSA's mandate to better reflect the growing role the Agency plays, expanding its scope to?

The proposals will be considered by the European Parliament and Council in the ordinary legislative procedure.

Source: European Commission

13.06.2023 – FEPORT participates to TOC Europe conferences – Rotterdam



On the 13th of June, FEPORT Secretary General, Ms Lamia Kerdjoudj has been invited to speak during the session regarding dedicated to the latest developments in the port and maritime industry. The session was moderated by Mr Goncalves, Rodrigo, Managing Principal at Moffatt and Nichol and involved Mr Peter Sand, Chief Analyst, Xeneta, Ms Eleanor Hadland, Senior Analyst – Ports & Terminals, Drewry, Mr Lars Jensen, CEO, Vespucci Maritime and Mr Alex Duca, Director – Head of Automation Engineering, A. P. Moller Maersk.

FEPORT Secretary General shared her views on Terminals operators' expectations in a fast-changing world. Since 2020, the succession of crises (climate related emergencies: fires, floods, lockdowns in China, war in Ukraine, geopolitical tensions...) have required from many stakeholders more adaptation and resilience. Terminal operators have been very mobilized to ensure the continuity of operations in the most efficient and sustainable way. Lessons have also been learnt by different stakeholders of the maritime logistics chain who have analysed the causes of disruptions.

Many of the problems identified following lockdowns in China in Q1 and Q2 2022 were not new but symptoms of more structural inefficiencies in the functioning of the maritime logistics chain and in the hinterlands they serve.

Delays and blank sailings and the lack of reliability of shipping schedules as well as the lack of investment in the multimodal connectivity of ports and non-harmonized border phytosanitary checks have been identified as the main causes of congestion and pressure on ports. Hence, the importance in the future of cooperation between the different actors of the maritime logistics chain and between Member States' administrations.



Mr Maarten Boot, Policy Advisor, represented FEPORT during the session on Green Legislation.

The session was moderated by Mr. Steve Cameron, Principal Consultant at CMR Support, and opened with a presentation of Ms. Annika Kroon, Head of Unit Maritime Transport & Logistics at DG MOVE.

Ms. Annika Kroon's presentation focussed on FuelEU Maritime, explaining, for example, the reduction pathway this regulation lays down for the GHG intensity of energy used on board of ships as well as the obligations it contains for shipping companies to use onshore power supply when at berth.

The audience reacted to Ms. Kroon's presentation, by asking questions about the extra-EU application of FuelEU Maritime, which applies to 50% of energy used on extra-EU voyages, as well as about shipping companies' obligation to achieve zero-emission at berth.

Mr. Maarten Boot presented the Fit for 55 package and its impacts on the terminal industry, thereby addressing both challenges as well as opportunities. His presentation focussed in particular on the following pieces of legislation: Energy Taxation Directive, FuelEU Maritime, Alternative Fuels Infrastructure Regulation and EU ETS Maritime.

Regarding the opportunities of the Fit for 55 package, Mr. Boot pointed out to the obligations spelled out in FuelEU Maritime to use a zero-emission technology at berth will have the consequence of reducing emissions in and around ports, which will have a positive impact on the health and wellbeing of port neighbouring populations. In addition, EU ETS Maritime will require shipping companies to pay allowances to cover their emissions and this can have a positive impact on ships' schedule reliability.

Important challenges, however, pertain to the competitive position of some ports in the EU. FuelEU and EU ETS Maritime partially apply to voyages between ports in the EU and ports outside the EU (in both directions), meaning that shipping companies can avoid the costs associated with these pieces of legislation by changing their routes at the expense of ports in the EU. The Fit for 55 legislation will not harm security of supply as cargo will still arrive to the EU, but there is a risk that shipping companies will privilege ports outside of the EU for their transshipment activity, thereby negatively impacting employment and business activity in EU ports. Another challenge relates to the infrastructure requirements for onshore power supply, as a lack of harmonized implementation, including by clearly specifying the roles and responsibilities of each port stakeholder, could affect the level playing field between ports.

Mr. Guillermo Massot, Managing Partner at Althium and Senior Lecturer at the Rotterdam Business School, also focussed on the Fit for 55 Package and its impacts on the terminal industry, especially explaining the new business models the legislative package could give rise to.

15.06.2023 – Spain launches the official website and the priorities of its Council Presidency for the second half of 2023 - Brussels



On the 15th of June 2023, the Spanish government launched the official website and the priorities of its Council Presidency which is due to start on July 1st and run until the end of 2023. The priorities established are four, in particular:

1. **Reindustrialise the EU and ensure its open strategic community:** the Spanish Presidency has set the goal of attracting new businesses and jobs in EU and reduce the Union's foreign vulnerabilities, so as to decrease the dependency on third countries in areas such as energy, health, digital technologies and food.
2. **Advance in the green transition and environmental adaptation:** the Spanish presidency, among others, will promote a reform of the electricity market aimed at accelerating the deployment of renewable energy and the reduction of electricity prices. Moreover, it will work to accelerate the legislative files related to *Fit for 55*.
3. **Promoting greater social and economic justice:** the Spanish Presidency will advocate for the establishment of minimum and common standards on corporate taxation in all MSs, work for a proper revision of the Multiannual Financial Framework 2021-2027 and push for the extension of workers' rights in several areas.
4. **Strengthening European unity:** the Spanish presidency will strive for a more efficient and coordinated management of migration and asylum processes, and for coordinated support to Ukraine and other neighbouring states, working also for the development of European common identity and values.

Source: Council of the European Union

19.06.2023 – No EU common position on electricity market reform - Brussels

On the 19th of June, the EU's 27 energy ministers met to discuss about the electricity market reform, although without reaching an agreement.

The main objective of the reform, presented by the European Commission in March, is to reduce consumer bills by promoting long-term contracts with renewable energy producers that provide electricity at a lower cost, in order to avoid a relapse of last year's energy crisis.

Several countries raised concern about the Swedish Presidency's decision to include an exemption for coal subsidies via capacity mechanisms, pointing out that it would weaken Europe's climate policies.

On the failure to reach an agreement, the EU energy chief, Kadri Simson, stated that *"this is an important point because it has implications for investment promotion and for the single market and the level playing field among member states. So, we decided that we need some more time to achieve a viable solution"*.

The reform will now return to the ambassador level, where further negotiations on the text will take place. Once finalised, the text can be approved by any meeting of EU ministers.

Source: Euractiv

20.06.2023 – Commission issues a "European Economic Security Strategy" - Brussels

On the 20th of June, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy released a Joint Communication on a European Economic Security Strategy.

The strategy establishes a more comprehensive approach to commonly identify, assess and manage risks to EU economic security. The strategy proposes to conduct an in-depth evaluation of risks to economic security in four areas:

1. risks to the resilience of **supply chains**, including energy security;
2. risks to **physical and cyber security** of critical infrastructure;
3. risks related to **technology security** and **technology leakage**;
4. risks of **weaponization of economic dependencies** or economic coercion.

The Communication introduces the following new actions:

- develop together with the Member States a framework for evaluating risks that affect the EU's economy and security;
- engage in a structured dialogue with the private sector to foster a shared understanding of economic security and encourage companies to conduct due diligence and risk management activities;
- provide further support for EU technological independence and resilience of EU value chains;
- review the Foreign Direct Investment Screening Regulation;
- explore options to ensure adequate targeted support for research and development of dual-use technologies;

- fully implement the EU's export control regulation on dual use items;
- analyze, together with Member States, what security risks can result from outbound investments;
- propose measures to improve research security ensuring a systematic and rigorous enforcement of the existing tools and identifying and addressing any remaining gaps;
- Instruct the EU Single Intelligence Analysis Capacity (SIAC) to focus on detecting potential threats to EU economic security;
- ensure that the protection and promotion of EU economic security is fully integrated in European Union's external action and intensify the cooperation with third countries on economic security issues.

Source: European Commission

20.06.2023 – Commission presents an adjusted package for the next generation on own resources - Brussels

On the 20th of June, the Commission has finalised its proposal for the next generation of own resources, which updates the budget proposed in December 2021.

The package includes the adjustment of EU ETS own resource due to the increase in the carbon price from €55 per tonne of CO₂ in 2021 to €80 in 2022. The Commission now proposes to increase the levy rate for the ETS-based own resource to 30% from all revenues generated by EU emissions trading, up from 25% originally proposed.

Moreover, the Commission has presented a technical adjustment to the control framework of the Carbon Border Adjustment Mechanism (CBAM), to align its original proposal for an own resource with the adopted text.

Finally, the European Parliament, the Council and the Commission agreed on including in the proposal a new temporary statistical based own resource on company profits. It will be a national contribution paid by Member States based on the gross operating surplus for the sectors of financial and non-financial corporations, in order to further diversify the revenue sources of EU budget. This tool will be replaced by a possible contribution from Business in Europe: Framework for Income Taxation (BEFIT).

Source: European Commission

20.06.2023 – Women in Transport meeting – Brussels



On the 20th of June 2023, FEPORT participated to the Women in Transport (WiT) meeting during which the European Commission presented the main findings of a study on the issue of labour shortages in the EU.

According to the study, there is a need to:

1. **Attract labour:** evidence shows that raising wages can enhance retention and recruitment, but is often insufficient without other elements improving working conditions (e.g. better infrastructure, greater control over working hours, more flexibility and so on). In addition, better recruitment strategies should be implemented by employers.
2. **Activate under-utilised resources:** approaches in this area should mainly focus on the development of active labour market policies to integrate disadvantaged groups. This requires a more holistic approach with more medium-term results.
3. **Enhance use of existing labour and retain labour:** it is necessary to better forecasting and matching with training strategies. It is also important that stakeholders and employers are involved in curriculum development and offer training with elements of work experience.

26.06.2023 – ERFA Press Release - Developments of Rail Infrastructure Fees Have Potential to Undermine Europe's Modal Shift Objectives - Brussels



Over the past months, many Infrastructure Managers have presented plans to revise fees such as cancellation fees, parking fees and quality penalties throughout Europe. It must be recognized that, like Track Access Charges, such fees have a direct role to play in growing rail freight volumes. It is essential that infrastructure charging fees, including cancellation fees, are proportional, fair and do not undermine rail freight's growth potential.

Today, rail freight undertakings need to book buffer capacity which may need to be cancelled or park trains due to delays. This is because of global supply chains disruptions (particularly in continental and maritime traffic) and the unreliability of many rail networks due to extensive construction works and traffic interruptions. Rail Undertakings need to react with flexibility to preserve trains and to act in a manner to be adaptable to meeting customer needs. Strongly increased cancellation fees being proposed by DB Netz in Germany for 2024, increased parking costs by ProRail in the Netherlands in 2023, the introduction of quality penalties at Italian border stations by RFI, to name but a few, will have a direct impact on how rail freight functions.

Sharp increases in these fees, without taking into consideration market needs, will make rail freight less flexible or may lead to a situation where railway undertakings only book capacity in short-term bookings. This will make it more difficult for infrastructure managers to plan rerouting effectively in the case of works and may make an already difficult situation worse.

The proposed changes in fees are also not reciprocal. There is no requirement for railway undertakings to be compensated in the event of a route being cancelled – even at short notice.

Whilst commercial conditions have a positive role to play in incentivizing efficient booking of capacity, there is a need for infrastructure managers to accept the reality that during the current period it has become nearly impossible to keep timetables due to the abovementioned reasons.

ERFA President, Dirk Stahl, stated, *“modal shift is not just the responsibility of railway undertakings, but also infrastructure managers and policy makers. We fail to see how increasing cancellation fees under current conditions, without any reciprocity, will have a positive impact on the European Union’s modal shift objectives. A change of approach is needed.”*

ERFA Secretary General, Conor Feighan, concluded, *“whilst these are domestic decisions namely by national infrastructure managers, they have a Europe impact. Over 50% of European rail freight crosses at least one border. Any change to national fees and charges will have a direct impact beyond domestic traffic.”*

Source: ERFA

27.06.2023 – EU’s Nature Restoration Law decisive vote postponed to plenary in July – Brussels

The EU’s Nature Restoration Law faced fierce opposition, particularly from EPP, in the European Parliament’s environment committee that took place on the 27th of June.



EU countries have already agreed their negotiating position on the law, so the focus is now on the July plenary vote of the Parliament.

The law, which aims at restoring Europe’s failing ecosystems, including forests, agricultural land and marine habitats, now faces a vote to reject it in the Parliament’s July plenary, with no obvious majority to support it.

There is now concern that a rejection in the European Parliament could not only jeopardise Europe’s nature but also mean the bloc falls short on its international commitment to restore 30% of degraded land and sea areas by 2030.

Although most agree on the need for restoration, the law has found itself in a political maelstrom: with scientists, activists and companies supporting it, while others question its impact on food security and the livelihoods of farmers, foresters and fishermen.

Socialist MEP Cesar Luena claimed that if the Parliament will not adopt this law, *“it symbolises a looming threat that the European Parliament’s international leadership on environmental issues, which grew tall and blossomed with the Green Deal, could now be about to wilt away”*.

Source: Euractiv

Member's corner

31.05.2023 – DP World Constanta awarded €38m to transform into a global trade hub

The Ministry of Transport in Romania allocated €38m to the port of Constanta to transform its terminal into a global trade hub, enabling it to become a multimodal facility that can offer key trade for goods in and out of Europe.

Three large scale expansion projects are being implemented at DP World's facilities in Romania: the global trader is developing a new Ro-Ro terminal in Constanta, while its new Aiud multimodal terminal in the north-west of the country aims to enable a greater flow of trade to neighbour countries and across the continent.



The combined projects are expected to increase the cargo flows by around 1 million tonnes per annum, beginning in Q3 this year.

Source: Port Technology

14.06.2023 – HHLA TK Estonia unveils largest solar park in Muuga's port and expansion plans



HHLA TK Estonia has built the largest solar park in the Estonian port of Muuga and plans to expand it further in the coming years.

On sunny days, its energy production fully covers the electrical use of cooling and ventilation equipment. In addition, extra green energy is supplied to the port's power grid.

HHLA TK Estonia has started planning the installation of two more energy parks on the roofs of other warehouses. This will increase the terminal's green energy production by more than 2.5 times.

HHLA TK Estonia contributes to the HHLA Group's goal of being climate neutral by 2040.

Source: HHLA

14.06.2023 - Ports of Amsterdam and Bilbao Join Forces to Develop "Hydrogen Corridor"



The ports of Amsterdam and Bilbao have signed a memorandum of understanding (MoU) to develop a renewable hydrogen energy corridor. The focus is on establishing a sustainable hydrogen supply chain, with production in the Basque Country and export to the Netherlands and Europe through the Port of Amsterdam.

Key players in the energy sector, including the Basque energy agency (EVE), Petronor, SkyNRG, Evos Amsterdam, and Zenith Energy Terminals, are involved in this collaboration.

The goal is to create a green hydrogen corridor connecting the ports of Bilbao and Amsterdam.

Petronor, a signatory of the MoU, aims to advance renewable fuels by establishing a synthetic fuels plant and an urban waste processing project in Bilbao. This supports the development of a more sustainable energy landscape.

The MoU also mentions the potential of hydrogen-based fuels, e-fuels, and methanol as promising solutions for transportation and maritime needs.

The collaboration between the ports of Amsterdam and Bilbao, along with the involvement of industry players, represents a significant step towards establishing a robust renewable hydrogen supply chain in Europe. It aligns with European goals of achieving carbon neutrality and transitioning to a greener economy.

Source: Ship & Bunker

FEPOR meetings

21.09.2023	Board of Directors - Brussels
26.09.2023	Customs and Logistics Committee – Brussels
28.09.2023	Social Affairs Committee – Brussels
04.10.2023	Environment, Safety and Security Committee – Brussels
05.10.2023	Port Policy Committee – Brussels
02.11.2023	Board of Directors – Brussels

Institutional meetings

03.07.2023	Sectoral Social Dialogue for Ports
06.07.2023	ENVI Committee Meeting – Brussels
17-18.07.2023	ENVI Committee Meeting – Brussels
19.07.2023	REGI Committee Meeting – Brussels
19-20.07.2023	ITRE Committee Meeting – Brussels
19-20.07.2023	TRAN Committee Meeting – Brussels
09.11.2023	Sectoral Social Dialogue for Ports