



FEPORT reply to the public consultation regarding the revision of the TEN-T Regulation

FEPORT, the European association representing the interests of 1225 private port companies and terminals performing operations in the seaports of the EU, welcomes the opportunity to provide feedback regarding the public consultation on the revision of the TEN-T guidelines. FEPORT members employ more than 390.000 port workers and have invested more than 56 billion euros in equipment (superstructure), training and intermodal solutions over the last 10 years.

FEPORT supports the EU Commission's aim to revise the TEN-T Regulation in view of aligning it with the objectives laid down in the European Green Deal Communication and the Sustainable and Smart Mobility Strategy. FEPORT also agrees that it is crucial for the TEN-T network to integrate the digital transition in transport in order to increase its resilience.

The revision of the TEN-T Regulation is important for FEPORT members as infrastructure development policies – including the development of clean refueling and recharging infrastructure – impact their operations. The removal of the bottlenecks will also be crucial to increase the share of multimodal transport solutions.

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

1. Consider the reality of seaport terminals when introducing (binding) requirements for refueling and recharging infrastructure

FEPORT members recognize the beneficial role clean refueling and recharging infrastructure can play in the decarbonization of maritime transport and are positive about the role of Onshore Power Supply in reducing the emissions of vessels while at berth. OPS can help lower carbon emissions, but also mitigate the negative impact of sulfur dioxide, nitrogen oxide and particulate matter-based emissions. OPS solutions indeed have a much better environmental performance than options where the ship generates its own power while at berth.

Nevertheless, it should be always borne in mind that port stakeholders, as opposed to the vessel operator, are not the main actors responsible for the provision of energy to a vessel. Port stakeholders will only provide OPS solutions if this is underpinned by a business case, which is in large part determined by the existence of demand on the shipping side.

The main actor holding the decision regarding the investment in OPS is the Port Authority which has also extensive knowledge of local taxation rules including tax rebates or exemptions that can stimulate demand on the shipping side, electricity tariffs as well as local (environmental) regulations. Once investment is decided, installing OPS infrastructure is a complex process which involves multiple stakeholders such as terminal operators, port authorities, the municipality as well as the national energy provider. Consulting terminals is key as the instalment of OPS infrastructure can affect their spatial planning and operational arrangements.

When deciding on the provision of OPS, numerous factors should be taken into account, one of them being the type of vessel. Certain types of ships usually call at berths that do not offer access to OPS facilities. This entails that when those ships need refueling, they are moved to a quay which offers OPS. Hence, the complexity of these operations and the impact they may have on daily operations in terminals. Another relevant criterion relates to the frequency and regularity of calls by the same vessels which means that the roro/ropax and ferry segment could be more fit for OPS solutions as they often serve the same berths repeatedly according to a predictable schedule.

Electricity price is another important parameter to consider as a very high price might render OPS unattractive compared to options where vessels generate their own energy.

The above list of factors provides some examples of parameters that should be taken into account when deciding upon OPS investments. However, this list is not exhaustive. From the terminal operator's perspective, the provision of shore power is a commercial service based on demand and which requires a solid business case.

The role of LNG should neither be overlooked in the to be revised TEN-T Regulation, since in many cases it is still the cleanest maritime fuel currently available on the market. Moreover, port stakeholders have allocated significant investments to refueling points, as LNG was assigned an important role in the 2014 AFI Directive¹, and the recent decisions taken by shipping companies to massively order LNG ships shows that LNG is and will continue to be a relevant alternative for the shipping market.

Finally, it is important that any infrastructure policy aiming for emission reductions departs from a technology neutral approach as the maritime sector's path to decarbonization is not yet set out. The regulatory framework should therefore be flexible to allow the incorporation of different (future) solutions and should refrain from binding requirements as much as possible.

¹ Article 6(1) of Directive 2014/94/EU holds that: *"Member States shall ensure, by means of their national policy frameworks, that an appropriate number of refuelling points for LNG are put in place at maritime ports, to enable LNG inland waterway vessels or seagoing ships to circulate throughout the TEN-T Core Network by 31 December 2025."*

2. Enhance the role of terminals in the governance of the core network corridors

Terminals serve as nodes between the four main transport modes (maritime, rail, road and inland waterways) and fulfil an important role in providing multimodal transport solutions that make transport more efficient and cleaner.

Ports – and the companies operating them – indeed play an important role in improving hinterland connectivity, the provision of essential goods as well as enabling multimodal transport solutions, thereby facilitating decarbonization.

Terminals have a good understanding regarding how local bottlenecks impede the further integration of the transport system. Their role in the governance of the core network corridors should therefore be enhanced, also in view of the advice they will be able to provide regarding modal integration and cooperation with the Rail Freight Corridors. Such a cooperation will be beneficial for the connection of rail to other modes of transport, thus enabling modal shift.

Another way to promote the shift to rail – as underlined by FEPORT in the framework of the consultation on the revision of the Rail Freight Corridors Regulation – is to give equal importance to rail freight as compared to passenger traffic when it comes to path allocation. In addition, more flexible systems for timetabling could be investigated and the development and modernization of freight dedicated corridors should be explored.

3. Promote combined transport in order to facilitate emission reductions in the transport chain

Combined Transport indeed is an efficient link between rail and other sustainable modes of transport such as waterborne solutions. Intermodal transport can play an important role in the transformation away from road dominant freight transport, but only if policymakers create the right conditions by ensuring that rail infrastructure is properly adjusted to the needs of intermodal transport and adequate capacity is available. It is equally important to create the right framework conditions to increase the attractiveness of inland waterway transport solutions that can be possibly combined with rail.

FEPORT believes that one way to achieve the modal shift envisioned by the EU Green Deal is to clarify the TEN-T technical parameters for the railway infrastructure on a number of points, for example, regarding electrification and track speed for freight.

Moreover, the railway line codification for the 4-meter loading gauge ought to be reviewed in order to allow for the passage of intermodal trains carrying 4-meter high and 2,60-meter wide refrigerated (craneable) semi-trailers.

It is equally important to introduce parameters to guide the upgrading of transshipment terminals, also in view of aligning these parameters with requirements under the CEF Transport Programme.

Finally, similar to suggestions made in the previous section, designating freight preferred railway lines can also stimulate the choice for intermodal transport options.

Inland waterway freight transport can be rendered more complicated by weather events such as drought, low-water levels and harsh winter conditions. It goes without saying that the likelihood of such conditions is expected to increase over time due to climate change. Adapting inland waterway infrastructure to aggravated weather conditions resulting from climate change should therefore be one of the key priorities of the TEN-T policy.

Another trend in inland waterborne transport that the TEN-T policy should address is the growing size of vessels. Updating river and canal infrastructure such as locks and bridges to be able to handle bigger vessels is therefore crucial. Accurate information on water levels and river depth is equally important in this respect. Efforts to further improve the River Information Systems should hence continue.

4. Do not forget the role of non-core or comprehensive TEN-T ports in infrastructure development policies

As mentioned above, FEPORT represents the interests of 1225 private port companies and terminals among which some operate in core network ports and others in the comprehensive network ports. Yet, a significant part of these companies performs activities in non-TEN-T ports and play an equally important role in hinterland connectivity and in the decarbonization of the transport sector.

EU and national infrastructure policies and allocation of funding should be inclusive of these ports. Efforts to improve the connectivity of ports and terminals should not merely focus on the core network, but should likewise address connections of non-TEN-T seaports. Also a review of the tonnage and passenger thresholds for the comprehensive network could be considered, in view of including more small ports.

5. Use the revision of the TEN-T guidelines to address the distortive effects of foreign subsidies in the port sector

FEPORT subscribes to the conclusions of the EU Commission's White Paper on Foreign Subsidies which recognize the existence of a regulatory gap in EU legislation when it comes to distortions arising from foreign subsidies in the internal market. Moreover, these subsidies are sometimes driven by strategic objectives and lead to a situation where EU companies cannot compete on an equal footing with some subsidized non-EU competitors.

FEPORT therefore welcomes that the public consultation document refers to considerations regarding the foreign ownership of infrastructure facilities and services and alludes to the screening of (foreign) investments into ports and terminals.

Ports and terminals are strategic nodes that connect people and goods and constitute crucial gateways into the Single Market. Ports and terminals hold value chains together and can also be key for European and national security. Last but not least, as shown during this COVID-19 crisis, terminals are playing a key role as junction between maritime transport and land-based operations, thus ensuring the security of the supply of goods, medical equipment and medicines to all EU households, hospitals and citizens.

FEPORF favors EU legislative action aiming at addressing the distortive effects of foreign subsidies and acquisitions by state-owned enterprises, including through the future TEN-T guidelines.

6. Principles to be taken into account in the transport sector's digital transition

As we outlined in our response to the public consultation, FEPORF strongly favors a focus on boosting innovation and digitalization as part of the TEN-T policy. It is indeed crucial to step up efforts to improve ICT infrastructure along the TEN-T networks, including through public and private investments.

Digitalization can in particular contribute to improved communications and data-sharing between actors across the logistics chain which can help reduce emissions, congestion and companies' operational costs. Both improved Business to Government (B2G) and Business to Business (B2B) communication have a tremendous potential of improving the efficiency and environmental performance of supply chains.

To facilitate this process, it is important to focus on clear rules of governance for data-sharing in order to establish trust between all actors and seize the full potential of B2B and B2G electronic information exchanges.

Finally, it should always be remembered that digitalization has a huge role to play in the facilitation of low-cost, clean and safe transport. Digitalization should be regarded as a means to achieve these goals, but not as an end in itself.

7. Concluding remarks

As already underlined in our response to the roadmap, FEPORF indeed regards the revision of the TEN-T guidelines as an excellent opportunity to adapt them to the EU's increased green and digital ambitions as well as to make the transport system more resilient.

However, public investments – for example, those into refueling and recharging infrastructure – should always follow a technology neutral approach and be supported by the private sector, who should be guaranteed a viable return on investment in case they allocate resources to the realization of TEN-T policy goals. Moreover, non-TEN-T ports as well as effects on the Level Playing Field should not be overlooked when public funds are used for infrastructure development.

To speed up and improve the transport sector's digital transition, it is crucial to also agree upon clear rules of data-sharing.

Finally, the revision of the TEN-T Regulation provides an excellent opportunity to increase the share of sustainable transport modes such as intermodal- or rail-based transport offers.