WiderMoS

FINAL CONFERENCE

CONNECTING SHIPPING AND TEN-T CORE NETWORK CORRIDORS

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Trans-European Transport Network (TEN-T)
MoS from a Regulatory Point of View

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Legal basis

Transport common policy (art. 90-100 TFEU)
Trans-European Network (art. 170-172 TFEU)

Both:
- shared competences (art. 4.2 TEU)
- principle of subsidiarity
EU mission in the field of TEN-T: Article 170 TFEU

Objectives:
✓ Internal market (article 26 TFEU)
✓ Cohesion (article 174 TFEU)

Actions:
• Promoting interconnection and interoperability of national networks
• access to such networks.
• need to link island, landlocked and peripheral regions with central regions of the Union
EU instruments: art. 171 TFEU

✓ guidelines, identifying project of common interest
✓ measures ensuring interoperability of the network
✓ co-support (together with MSs) projects of common interest identified in the framework of the guidelines
✓ Contributions through the Cohesion Fund (art. 177 TFEU)
✓ Promotion of the coordination among MSs and between MSs and third countries
TEN-T decisional procedure: art. 172 RFEU and the “multilevel governance”

The guidelines and other measures

• shall be adopted acting in accordance with the ordinary legislative procedure

• consulting the ECSC and the Committee of the Regions, but

• require the approval of the Member State concerned
MoS as a EU priority: development of the concept

1996 – Guidelines for TEN-T
2001 - White Paper «European transport policy for 2010: time to decide»
2003 –Van Miert High Level Group
2003 – Marco Polo (ended in 2013)
2007-2013 – the establishment of MoS becomes a **priority project** within the TEN-T programme
2007 – appointment of the MoS coordinator Luis Valente de Oliveira
2013 – (first) successful results and new TEN-T guidelines and CEF (Connecting Europe Facility)
New TEN-T Guidelines: Reg. 1315/2013 (from a decision to a regulation)

New idea of sustainability:

(i) development of all transport modes in a manner consistent with ensuring that transport is sustainable and economically efficient in the long term;

(ii) contribution to the objectives of law greenhouse gas emissions, low-carbon and clean transport, fuel security, reduction of external costs and environment protection;

(iii) promotion of law carbon transport with the aim of achieving by 2050 a significant reduction in CO2 emissions, in line with the relevant Union C02 reduction targets
Art. 21 Reg 1315/2013: Role of MoS within the TEN-T Network

- represent the maritime dimension of the TEN-T
- shall contribute towards the achievement of a EU maritime transport space without barriers

MoS shall consist of

- short-sea routes
- ports
- associated maritime infrastructure, equipment and facilities
- simplified administrative formalities enabling short-sea shipping or sea-river services to operate between at least two ports, including hinterland connections
MoS shall include:

✓ **maritime links** between maritime ports of the comprehensive network or between one such port and a third-country port where these links are of strategic importance to the Union;

✓ **port facilities, freight terminals, logistics platforms and freight villages** located outside the port area but associated with the port operations, information and communication technologies (ICT) such as electronic logistics management systems, and safety and security and administrative and customs procedures in at least one Member State;

✓ **infrastructure for direct land and sea access**
Projects of Common interest (PCI) for MoS (art. 21.2 Reg. 1315/2013)

To be proposed by at least two MS. They shall comprise:

(a) a maritime link and its hinterland connections within the core network between two or more core network ports; or

(b) a maritime link and its hinterland connections between a core network port and ports of the comprehensive network, with a special focus on the hinterland connections of the core and comprehensive network ports.
Non-port specific PCIs (art. 21.3 Reg.1315/2013)

PCI may include activities having wider benefits:

✓ services and actions to support the mobility of persons and goods,
✓ activities for improving environmental performance (provision of shore-side electricity for ships),
✓ activities ensuring year-round navigability,
✓ dredging operations,
✓ alternative fuelling facilities,
✓ optimization of processes, procedures and the human element, ICT platforms and information systems, including traffic management and electronic reporting systems.
MoS source of financing

✓ CEF (Reg. 1316/2013): MoS represent a “horizontal priority” within the CEF Regulation but are funded only with 500-900M out of 26.25 billion available from the EU 2014-2020 budget to co-fund TEN-T projects

✓ State measures?

✓ Operational State aids? (available under Marco Polo measure until 2013. Italian ECOBONUS could not be financed as MoS)
Regulatory problems: Imbalances

- **Among transport modes:** road and rail infrastructure receive more publicly financed investments and subsidies than MoS: while MoS need “less” infrastructures they still need positive action for competing with other (and more polluting/land consuming) transport modes.

- **Of trade flows in transport corridors:** typical of transport, but if ships are the “infrastructure” so far no answers have been provided.
Regulatory problems: standards and inspections

- **Less administrative burdens vs. dedicated infrastructures:** MoS focused on soft factors, such as administrative factors and removal of burdens of inspections (blue belt project, single-window services as per Directive 2010/65). However removal of gate/import-export controls in ports probably needs more investments for dedicated infrastructures and connected available spaces (see articles 22-23 Reg. 1315/2013)

- **New transport standards for MoS:** The European Intermodal Loading Unit (EILU) combining the advantages of maritime containers and land containers has not been adopted by the industry (which is still investing in loading units). The maritime leg still prevails overall and this is problem
Regulatory problems: liberalizing port services?
Some persons advocate liberalization of port services as a tool to make MoS less costly. This solution is non persuasive:
- there is no cost saving and rather creation of negative externalities
- removal of safety and security standards is against other prevailing goals of EU transport policy and general principles of law
- Lifting of controls in trade flows may hamper the prosecution of other EU mandatory goals (e.g. external border controls)
MoS as services of general economic interest?

Articles 22 and 23 Reg. 1315/2013 set requirements and priorities for MoS, implying heavy investments in infrastructures and technology. Yet, the ship is essential part of the infrastructure, and is still often less attractive than truck

Unless a positive action is carried out to move onto MoS road traffic, MoS goals may remain frustrated and relevant investments wasted

Solutions should be considered to enhance capacity utilization and, in case, subsidize MoS services
Thank you for your attention

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