

Motorways of the Sea - MoS Digest #4  
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## First reefer block-train from Middle East to Northern Europe

**Keywords:** EU project, Fresh Food Corridors, container, cargo, Port of Koper, Motorways of the Sea, fruit and vegetables, Port of Koper, European market

As part of **the EU project Fresh Food Corridors (FFC)**, the first container trial train loaded with reefer cargo, composed of **mostly fruit and vegetables**, departed from the **Port of Koper**, headed for **Rotterdam** on the night of Saturday, 5th of March. **The final point of delivery will be north European markets.**

The cargo, which belongs to **some major Israeli exporters**, reached the Port of Koper on Friday via the **'motorways of the sea'** and continued its route by rail.

The shipment represents a kind of a **record and an innovation**, because it's the first block train – loaded solely with reefer containers - **that has crossed Europe from the south headed for northern destinations.** The port of Koper expressed its satisfaction at being the first to have been chosen for the trial trip. ***Cargo that usually travels by ship from Israel to north European ports will arrive at the same destination 6 days earlier.***

The challenges of the project are related to the **sustainability of the product in terms of cargo volumes and transport costs** as well as technical solutions that guarantee **adequate temperature conditions** for the goods to their final destination.

Most of the efforts in the coming months will be focused on the optimization of the **railway service** aiming to **shorten the transit times and fulfil** the railway capacities with back cargo. Within the **FFC project** similar trial trains will also depart via the **ports of Venice and Marseille-Fos.**

Source: Flash Plaza

Link: <http://bit.ly/1Sjy70r>

## EIB provides €339mn financing for Croatia's KRK LNG import terminal project

**Keywords:** *European Investment Bank, LNG Hrvatska's, Croatia, Island of Krk, LNG, European Energy Security Strategy*

The **European Investment Bank (EIB)** announced on March 2 that it has provided €339mn financing for LNG Hrvatska's €678mn liquefied natural gas (LNG) import terminal project on the island of Krk in the northern Adriatic.

The construction of the LNG terminal has become a priority for Zagreb due to the conflicts between Russia and Ukraine, which have put the natural gas supply to Europe at risk.

**LNG Hrvatska is a company established** for the purpose of building and operating the infrastructure necessary for receiving, storing and degasifying LNG. The project **consists of the studies and implementation for the first LNG import terminal in Croatia**, said the EIB, adding that the final scope and cost will be defined at a later stage.

The terminal will have a throughput capacity of 6bn cubic metres (cm) per year and will include a tanker jetty to accommodate the LNG carriers, two LNG storage tanks with a total storage capacity of up to 360,000 cm, vaporisers and ancillary equipment, according to the EIB.

**LNG Krk is classified as a project of common interest (PCI) and included in the top priority list under the Central and South-Eastern European Gas Connectivity initiative (CESEC)**, the EIB also said. *"The project would help to meet the security of supply objectives of the European Union," said the EIB. "As the terminal will be located in Croatia, the project will also contribute to economic and social cohesion."*

In June, LNG Hrvatska said it had received 12 non-binding bids from applicants interested in booking capacity in the planned LNG terminal. The capacity request totalled between 4bn and 6bn cm per year.

The construction of the **LNG terminal will start in the middle of this year**, and construction work is expected to last three years, the head of the project company, **Mladen Antunovic**, was quoted by **Croatian media as saying in May**. Thus, the terminal should be operational in 2019.

**LNG Hrvatska previously said it had received seven offers from investors interested in the development of the LNG terminal**. Four offers were from industrial investors and three from financial investors, the company said in a statement. Industrial investors were asked to submit their offers by November 30, and financial investors by December 31. LNG Hrvatska did not name the potential investors, saying only that they are "world-class companies/funds with strong background in gas industry and financial businesses."

In July, the **Croatian government in July the planned LNG terminal to be a strategic investment project for the country**. According to Croatian legislation, such projects benefit from simplified and quicker procedures in obtaining necessary documents and permits for the project implementation. **The LNG terminal project is already included in the European Energy Security Strategy**.



The construction of the LNG terminal is part of Croatia's plans to become an energy hub in the **South Eastern Europe**. In addition to the LNG terminal, the Adriatic country is expected to launch a second licensing round for **offshore hydrocarbon exploration** and is also participating in the **Ionian-Adriatic Gas Pipeline (IAP)** project that will also pass through Albania and Montenegro and is designed as a leg of the Trans Adriatic Pipeline (TAP), which was selected to bring natural gas from Azerbaijan's Shah Deniz to Europe as an alternative to the Russian gas.

**The EIB has made several investments in Croatia recently.** These include €300mn to co-finance priority projects in Croatia announced on March 30, 2015, €17.5mn of loans announced on October 6 for the expansion and upgrade of Dubrovnik airport and €20mn for Croatian lender Privredna Banka Zagreb (PBZ) announced on January 7.

*Source:* IntelliNews

*Link:* <http://bit.ly/1WLBwq5>

## IMO container Verified Gross Mass requirement mandatory since July

**Keywords:** IMO, Verified Gross Mass, container shipping, UK Maritime Coast Guard Agency, European Union, regulation, the container weights, container terminal



IMO confirmed once again that there is no delay and no deadline extension of Verified Gross Mass requirement for containers, despite of unavailability of many ports and countries to prepare the needed equipment for rule implementation. IMO signatory countries are not actually able to decide their own extensions. The Verified Gross Mass requirement for container shipping becomes mandatory on July 1 this year, after 1 year discussion and 6 months period for implementation and comes into effect. IMO denied all the requests for **extension of the period of implementation** and arguing that all the procedures of organization were met.

*“We are not considering extending the deadline for compliance with the Verified Gross Mass requirement”,* said **Senior Director of Marine Technology and Cargoes, Maritime Safety Division at IMO, Joseph Westwood-Booth**, speaking at ICHCA conference in Barcelona. *“However, we are planning to issue further guidance on these points in the coming weeks”,* added he.

Verified Gross Mass, which is also known as container weights, states that effective since July 1, 2016, any shipping container leaving from any port in the world must be accompanied by a shipping document signed either electronically or in hard copy by the shipper on the bill of lading listing the verified gross mass of a container in order to be loaded onto a ship. The weighing must be done in one of two approved ways, called Method 1 and Method 2, on scales calibrated and certified to the national standards of the country where the weighing was performed. **Some shippers expect that this new requirement will cause chaos in supply chain disruption, as well as unavailability of many ports and countries to prepare the needed equipment for rule implementation.**

Moreover, with only 120 days until the requirement takes effect only a handful of countries have actually developed regulatory standards. **UK Maritime Coast Guard Agency** is at the final stages for approval of the new rules, which are set accuracy tolerances of +/- 300 kg in weight up to 15 tons, +/- 400 kg in weight up to 20 t and +/- 2% on weight above 20 tons. **Many of the experts hope that such requirements will also be adopted by European Union**, as lower accuracy standards are impossible to meet. **The mess with tolerances is one of the opponents main points, as each country can select its own regulation standards.** New Zealand however said to be have decided on a tolerance of 0.5%. So, as this point ICHCA and IMO are planning to issue further guidance in the coming weeks.



However, a lot of experts estimate that 80% of containers arriving at container terminals on July 1 will not have a Verified Gross Mass, due to unavailability of the terminals to measure **the container weights**. Some terminals are planning to adopt using of reachstacker next to a weighbridge, which will lift containers above a trailer momentarily, measuring weight. **In this case the truck and trailer or two TEU can be weighed individually.**

Despite of many unclear circumstances around Verified Gross Mass requirement, IMO is not considering to delay its implementation. Such standard is needed for increasing safety at sea and better calculation of container ship's stability, question which is getting more important after entering in service of newest generation ULCS.

*Source:* Maritime News

*Link:* <http://bit.ly/1q4dmg9>

## UK port industry calls to vote against EU ports regulation

**Keywords:** *UK port, Associated British Ports (ABP), European Parliament, EU Ports Services Regulation, the transparency of EU ports, UK Major Ports Group, the Federation of European Private Port Operators*

Representatives from **UK port operator Associated British Ports (ABP)** and **union Unite** have travelled to **Strasbourg** to argue against proposals for **EU ports regulation** one day before voting on a directive will take place.

**The European Parliament** voted against EU ports legislation twice in the past, but on March 8, **MEPs are due to vote on a revised EU Ports Services Regulation (PSR)**, which aims to increase **the transparency of EU ports**.

ABP, which said in a statement that the UK ports industry is united in urging MEPs to vote against the regulation, believes that privately-financed ports would be undermined by the PSR.

**James Cooper**, CEO of ABP and chairman of the **UK Major Ports Group (UKMPG)**, claimed that the current text is ambiguous, adding that this *“ambiguity” is unhelpful as it creates uncertainty and puts future investment, growth and jobs at risk.*

The UKMPG and the British Ports Association (BPA) claimed in a statement that the new legislation could lead to more unfair competition and force private ports to put their services out to tender, adding that they may lose freedom over port charges and commercial confidentiality may be threatened.

However, **the Federation of European Private Port Operators (FEPORT)**, which said in a statement that the Transport Committee of the European Parliament adopted “en bloc” the compromise amendments on the legislation, called for MEPs to vote in favour of the text “en bloc”.

**Lamia Kerdjoudj-Belkaid**, FEPORT’s secretary general, commented on the amendments applied to the legislation: “We particularly support the exclusion of cargo handling from chapter II, organization of port services.

*“The competitiveness of the cargo handling industry is thus recognised, particularly in a context where efforts to respond to customers’ demand are so significant in terms of investments and continuous adaptation.”*

**Knut Fleckenstein**, a MEP from Hamburg, **home of Europe’s second container port**, who drew up the revised legislation, recognised in an article in *The Parliament Magazine* earlier this year that there are diverse organisational models for ports across Europe.

Fleckenstein added that a major challenge has been to make the regulation flexible enough to take into account these national and regional “particularities”.

He said: *“It should come as no surprise that a member state with privatised ports does not support a European framework. In my opinion, were Parliament’s transport committee unable to vote in favour due to national lines, it would be a lost opportunity to provide the ports with stability.”*

“The result of our joint work is a framework that takes the **diversity of European ports** into account, strengthens their autonomy and provides the financial transparency that will foster progress on state aid rules,” he claimed.

**Andrew Moffat**, chair of the BPA, said in a statement: “If MEPs cannot reject the PSR, we urge them to support an amendment which would clearly and unambiguously remove privately financed ports from the scope of the regulation, in a way that is entirely consistent with EU law.”

Meanwhile, as the June referendum on whether Britain should remain in the European Union comes closer, some Eurosceptics have taken a political view of the dispute.

**Nicholas Finney**, former head of the **UK Seaports Federation**, claimed in a **Conservative Party-supporting website** that “the PSR is the perfect example of all that can be wrong with both EU principles and process”.

Finney continued in claiming that if “the Prime Minister’s negotiations [with the EU] are to be evenly modestly fulfilled, he should demonstrate his real commitment to reform by insisting that all such controversial draft regulations like the PSR are suspended until the re-assessment of their status can be completed under the terms of the EU declaration”.

Source: Container Management

Link: <http://bit.ly/1T7QibE>

## Port services: improving efficiency to boost trade

**Keywords:** EU maritime ports, EU Parliament, MEPs, efficiency, transparency, maritime safety and environmental needs and national social standards



Draft rules designed to boost the efficiency and cut the cost of services supplied at EU maritime ports, such as mooring and towage, were voted by Parliament on Tuesday. Ensuring transparency in the setting of fees for using port services and infrastructure, and in any public funding that ports receive, should help to prevent price abuse and market distortions and thus boost trade, MEPs say. But current port service arrangements could remain, provided they meet minimum requirements, they add.

The EU Commission's initial proposal would have made free market access the general principle for the supply of port services, but MEPs insist that "a single system is not be appropriate, as the EU port system includes many different models for the organisation of port services". They amended the proposal so that "existing port management models established at national level can be maintained."

"We have been able to dismiss the forced free market access to port services. Especially for safety and security concerns, ports must be able to decide on the organisation of port services", said rapporteur Knut Fleckenstein (S&D, DE). "For the first time in the course of the long discussions on the port package, we have the ports, the terminal operators and the unions on board", he added.

### Setting minimum requirements for port service suppliers

Instead MEPs advocate laying down common rules for member states and port managers wishing to limit the number of service providers, to set minimum requirements for them or to provide services themselves, as an "internal operator".

Ports' minimum requirements for service suppliers should be limited to proving professional qualifications, but they should also meet maritime safety and environmental needs and national social standards, MEPs say. The list of "justified cases" in which freedom to supply services may be restricted should include "scarcity of waterside space", port traffic characteristics and the need to provide "safe, secure or environmentally sustainable port operations", they add.



### Transparency of public funding and fees for using port infrastructure and services

Public funds must appear **transparently in ports' accounts**, and separate accounts should be kept for publicly-funded activity or investment and other activities, MEPs say.

To prevent price abuse in the absence of market mechanisms, arrangements should be made to ensure that fees are *"not disproportionate"* to the economic value of the services provided and are set in a transparent and non-discriminatory way, say **MEPs**. Port infrastructure charges should be set *"in accordance with the port's own commercial and investment strategy"*, they add.

EU member states should designate one or more independent bodies to handle complaints.

### Staff training and working conditions

The draft rules would not affect the application of **EU member states' social and labour rules**. Staff must be granted working conditions on the basis of binding national, regional or local social standards and member states must ensure that relevant training is provided for every worker in the port sector, MEPs add.

### Next steps

MEPs approved the amendments to the draft regulation and mandated the EP negotiators to start negotiations with the Council on the final wording of the text based on the amendments passed.

Source: European Parliament News

Link: <http://bit.ly/1ZwTWMU>

## EC Backs Finnish Plan for €28 Million in Aid for LNG Bunker Terminal

**Keywords:** LNG, European Commission, European Union, Hamina LNG Terminal, EU state aid rules, TEN-T, cleaner fuel for transport



The **European Commission** (EC) Friday announced that it has approved **Finnish** plans to grant **€28 million** (\$31.5 million) for the construction of a small scale liquefied natural gas (LNG) terminal on the country's **South-East coast** at **Hamina**, confirming that the plans are in accordance with **European Union** (EU) state aid rules.

The project is said to be a part of Finland's plans to create a series of small-scale LNG terminal infrastructure to provide bunkering stations for vessels, diversify the country's sources of gas supply, and reduce carbon dioxide emissions.

"The Hamina LNG terminal is one of several planned in Finland. These small scale LNG terminals will provide a new source of cleaner fuel for the maritime industry and diversify Finland's gas supply sources," said **Margrethe Vestager**, EC Commissioner.

"It is a good example of EU state aid rules encouraging sound public investment and helping the EU reach its energy security and environmental goals."

The Hamina LNG terminal is expected to support the port's development of infrastructure for alternative fuels, which is part of the trans-European transport network (TEN-T).

"The project will bring about a significant reduction in carbon dioxide emissions by providing cleaner fuel for transport," stated the EC.

The EC says that the **€27,660,000** in public funding will account for **30 percent** of the total investment costs, while the rest of the cost will be covered by both the developer and future terminal owner.

In the announcement, the commission also stated that the operator of the terminal be responsible to provide access to **"interested users at a regulated price,"** ensuring that financial assistance is limited to the minimum necessary to trigger the investment, and to make sure that alterations to competition and trade are minimised.

In September, Ship & Bunker reported that the EU had granted its approval to Finnish government plans to provide **€23.44 million** (\$26.11 million) in funding for an **€81 million** (\$90.13 million) project to develop a LNG bunkering terminal on Finland's west coast at **Pori**.

Source: Ship & Bunker

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*Link:* <http://bit.ly/1T7QkjF>

## Rotterdam to fight corporation tax on Dutch seaports

**Keywords:** *Port of Rotterdam Authority, European Commission, Dutch seaports*

The **Port of Rotterdam Authority** has announced that it will **appeal against the decision by the European Commission to make Dutch seaports pay a corporation tax from January 1, 2017.**

The **Amsterdam Port Authority, Groningen Seaports, the Moederdijk Port Authority, the Port of Den Helder and Zeeland Seaports** will all join the **Port of Rotterdam** in the appeal.

The **Port of Rotterdam Authority** said in a statement that, on the basis of its most recent annual figures, it would have to pay approximately €60m (US\$67m) in corporation tax yearly.

In 2015, the Dutch legislature made an exception in the law for port authorities, stating that they did not have to pay corporation tax as they were competing only with foreign ports and with each other, and not private parties.

However, in January 2016, the European Commission overruled the **“special position”** of the seaports in Dutch legislation, leading to the ports’ decision to appeal against the corporation tax.

According to a statement by the **Port of Rotterdam**, in the legal proceedings, the port authorities will primarily **“allege an infringement of the principles of proper administration, such as equality and proportionality”**.

The Port Authority already pays a dividend to the Municipality of Rotterdam and to the State of approximately €90m (US\$101m), which is indexed annually and is not dependent on the profits made.

**Paul Smits**, financial director of the **Port of Rotterdam Authority**, said in a statement: **“We are not against paying corporation tax, but then it should apply to all European sea ports. This is a matter of principle for us.”**

Smits pointed out that the foreign ports with whom Dutch seaports have to compete do not pay corporation tax, adding that they are also supported in various ways by their own governments.

“Within Europe, it should be a question of ‘what’s sauce for the goose is sauce for the gander’. **The payment of corporation tax will come at the expense of our investments in the port complex.** The purpose of this cannot be to increase unfair competition,” he added.

*Source:* Container Management

*Link:* <http://bit.ly/1MnRm9Z>

## IUMI update on IMO meetings

**Keywords:** IUMI, IMO, Human Safety, Maritime Insurance, Guidelines on Fatigue, SOLAS



Since the last edition of IUMI EYE there have been meetings of the Council, the Assembly, the Ship Design and Construction SubCommittee and the Human Element, Training and Watchkeeping Sub-Committee. The Council is, in effect, the working executive of the IMO, and receives and approves the reports of the main committees that have met since its last meeting, and deals with the future administration and planning for the organisation. The Assembly met in December for its 29th session.

Member states were called upon to accept the 2012 Cape Town Agreement, which is an International Fishing Vessel Safety Agreement to address the heavy casualty rate in the sector. **Ratification requires 22 states to agree, but to date agreement has only been accepted by five countries.** Other matters addressed included a resolution commending the role of merchant shipping in rescuing mixed migrants at sea. It also adopted the budget and strategic plan for 2016, and endorsed the appointment of *Mr Ki-tack Lim as Secretary-General* from the 1 January 2016.

The Sub-Committee on Ship Design and Construction met in London from the 18 to 22 January. Among the topics debated was the definition of “**industrial personnel**”, such as workers transported on offshore service vessels. Such workers are recognised as being different from ordinary passengers and need clearly defined training and safety standards for carriage on board vessels. Other matters debated were the revision of subdivision and damage stability regulations in SOLAS chapter 11-1. **Passenger ship matters included making an evacuation analysis mandatory for new passenger ships and reviewing the recommendation on evacuation analysis for existing passenger ships.** There was discussion on revising and updating the guidance on wing-in-ground craft, and the review of the guidelines for use of fibre reinforced plastic within ship-structures, with particular focus to fire safety issues.

The Sub-Committee on Human Element, Training and Watchkeeping (HTW) met from the 1 to 5 February. Among the issues discussed was the draft revision and updating

of the existing **Guidelines on Fatigue**, to promote **improved understanding of fatigue and fatigue risk management**. Following on from this debate, it was agreed to establish a correspondence group to consider amendments to MSC Circular 1014 (dated June 2001), entitled Guidelines on Fatigue. On a related topic was a discussion on the **Guideline for Port State Control Officers on Certification of Seafarer’s rest hours**. A working group, set up during the session, was unable to complete the task of amending the draft guidelines for Port State Control on the certification of seafarers’ hours of rest and manning. However, it agreed that the main

body of the revised guidelines would be submitted to the **Implementation of IMO Instruments Sub-Committee with annexes being left to be finalised at HTW 4.**

The Sub-Committee was informed by the Secretariat of the large number of fraudulent Certificates of Competency found during inspections through 2014 and 2015. Member States were invited to submit proposals on a strategy to address the issue at the next session. **The Sub-Committee also validated three model training courses which were:** 1) Advanced Training for Chemical Tanker Operations. 2) Radio Navigation at Operational Level 3) Personal Safety and Responsibility The Sub-Committee also agreed to draft amendments to the STCW (Standards of Training Certification and Watchkeeping) Convention and Code regarding passenger ship training, which are to be submitted to MSC 96 for approval. Considerations included emergency familiarisation, effective communication with passengers, crowd management training, crisis management training and human behaviour training.

*Source:* Hellenic Shipping News

*Link:* <http://bit.ly/1Ud6hq0>

## EU aims to simplify state support for ports

**Keywords:** *EU Commission, general block exemption regulation, state aid modernization, ports and airports, infrastructure, economic growth and regional development, regulation*

The Commission has asked for feedback on the extension of general block exemption regulation (GBER) to cover ports and airports, as part of the state aid modernisation (SAM) initiative, the Commission said.

SAM is designed to make it easier to grant aid that "contributes to a more dynamic and competitive single market", and the existing GBER allows EU countries to grant some aid without applying for authorisation. This "cuts red tape for projects that are unlikely to distort competition and allows for well-defined projects to go ahead as fast as possible. It also allows the Commission to focus its efforts on more distortive types of aid", the Commission said.

The new proposal on ports and airports follows 33 state aid decisions on ports and 54 on airports, the Commission said. The provisions ensure that aid can only be granted for transport-related investments and does not go beyond what is needed to make the investment happen, while taking into account future revenue from the investment, it said.

Commissioner **Margrethe Vestager**, in charge of competition policy, said: "*Ports and airports are key infrastructure for economic growth and regional development. Our proposals aim at facilitating unproblematic public investments in ports and airports that can create jobs, by exempting them from scrutiny under EU state aid rules. I would like to encourage all public authorities, companies and others that would benefit from this simplification of state aid rules to participate in this consultation.*"

The proposals also cover some more general changes to the GBER. The Commission wants to make it easier for public authorities to compensate companies for the additional costs they face operating in the EU's outermost regions, and to increase exemption thresholds on aid for 'culture' as this aid has a limited effect on competition, it said.

**Caroline Janssens of Pinsent Masons**, the law firm behind Out-Law.com said: "When the new GBER was adopted in 2014, the Commission had expressed its intention to review its scope of application to include port and airport infrastructures should a relevant case load justify a review in the near future. *The Commission's statistics show that it is now the case.*"

"The applicability of the GBER is increasingly crucial to fit within a wide range of government schemes and for a large number of categories of aid it is now generally the responsibility of the beneficiary company to self-assess and demonstrate to the awarding body that the GBER criteria are met. This has significantly reduced administrative burden and costs and has accelerated the implementation of numerous projects. Extending to port and airport infrastructures categories of aid that no longer necessitate the approval from the Commission before they can be implemented would be welcomed by the two sectors," she said.

Feedback can be made until 30 May. The Commission will then prepare an updated draft, which will be subject to a second public consultation currently planned for autumn this year, before deciding on the **final regulation**, it said.

**In January the Commission asked Netherlands, Belgium and France to align the taxation of their ports with EU state aid rules.**

The Netherlands must remove a historic corporate tax exemption given to six seaports, the Commission said, and Belgium and France have been asked to change **their legislation to make sure that private and public ports pay corporate tax in the same way as other companies.**

**Vestager** said at the time that "*ports are key infrastructure for economic growth and regional development. I will soon present a proposal to facilitate unproblematic investments in ports that can create jobs, to exempt them from scrutiny under EU state aid rules. At the same time, the Commission's decisions today regarding the Netherlands, Belgium and France make clear that if port operators generate profits from economic activities these should be taxed under the normal national tax laws to avoid distortions of competition.*"

Source: Out-Low.com

Link: <http://bit.ly/1RjDspS>

## Fear new port laws could threaten jobs in Felixstowe, Ipswich and Lowestoft

**Keywords:** EU Port Services Regulation, ports, Labour Euro MP, European Parliament



Negotiations are taking place over legislation to ensure equal access to ports for shipping companies, but the Labour Euro MP says current proposals do not sufficiently **protect safety, the environment or prevent unfair subsidies in other countries** which could undermine fair competition.

Mr Howitt helped host a **lobby of British ports and portworkers** at the **European Parliament**, backed by a sea shanty singing group, to draw attention to concern about the proposals.

He said: “The ports which I represent are a major engine for jobs and growth.

“One million sq ft of new distribution space was added just last year at Felixstowe – Britain’s biggest container port.

*“The Port of Ipswich plays a major economic role for the Haven Gateway, Lowestoft and Great Yarmouth for our important offshore industries. That’s why negotiation on the EU law must promote fair competition between European ports, strengthen safety and environmental protection and ensure a genuine level playing field which prevents unfair subsidies abroad.*

“EU Port Services Regulation has rightly been refused by the European Parliament on two previous occasions. If jobs, employment rights, investment and safety are not guaranteed, ultimately it will have to be rejected again.”

**James Cooper**, chief executive of Associated British Ports which runs Ipswich and Lowestoft, said: *“The ambiguity in the current text is unhelpful, as it creates uncertainty and puts essential future investment, growth and jobs at risk.*

“It is simply not clear how **this regulation will add value to European ports.**”

Source: IpswichStar

Link: <http://bit.ly/1q4dvjy>

## Trans-European Transport Infrastructure Projects in Romania - a leaner and faster authorization process

**Keywords:** Romania Government, TEN-T, EU Regulation, European Parliament, Council on Union

On 16 March 2016, the Romanian Government adopted a new set of measures designed to accelerate the trans-European transport infrastructure projects by bringing more flexibility to the process of obtaining building permits in connection with such projects and reducing the implementation period ("Infrastructure Ordinance"). The projects which may benefit from the simplified regime refer to **railway, road, air transport and inland waterways**, as defined under the Regulation (EU) no. 1315/2013 of the **European Parliament** and of the **Council on Union** guidelines for the **development of the trans-European transport network** (i.e. high-speed and conventional railways and associated tunnels, sidings and bridges, high-quality roads and parking and rest areas, airports, or sea canals and maritime ports) ("TEN-T Infrastructure Projects").

A summary of the key legal developments under the Infrastructure Ordinance is set out below.

### 1. Preliminary approvals issued by the competent authorities

Under the new improved regime, the building permits in connection with TEN-T Infrastructure Projects may be issued based on preliminary approvals, endorsements or conditional site approvals for removal of the plots of land from the forestry category or for relocating utility networks located on the (expropriation) path of the relevant project. The aforementioned preliminary approvals and notices have to be issued within 10 days as of the date when the application is submitted to the relevant competent authority.

In case the building permits are indeed issued on the basis of preliminary approvals in line with the above, the beneficiary of the TEN-T Infrastructure Project has to obtain the final approvals until the final reception of the works.

### 2. Extension of validity of building permits and other authorisations

Under the new regime, the validity period of the building permits, site plan approvals, urban planning certificates and other approvals in connection with the TEN-T Infrastructure Projects is extended for entire period during which the works are executed. However, such extension will only become applicable if the works related to the Infrastructure Projects start within 12 months as of the issue of the above mentioned

permits and approvals and is also subject to no discoveries which may require the establishment of protected areas.

### 3. Removal of plots of land from the agricultural category

Pursuant to the Infrastructure Ordinance, the plots of land located outside the city limits (in Romanian, extravilan), which are subject to expropriation procedures for the purposes of the TEN-T Infrastructure Projects, will be deemed removed from the agricultural category once the ownership title is transferred to the state, by operation of law (such removal being needed for the building permit). Since, currently, the process of removing the plots of land from the agricultural category may take up to 6 months, this particular legal development represents a major improvement with respect to the duration of the implementation of TEN-T Infrastructure Projects.

*Source:* Lexology

*Link:* <http://bit.ly/1LJVQri>