Opinion of the Committee of the Regions on ‘A European ports policy’

(2008/C 172/06)

THE COMMITTEE OF THE REGIONS

— highlights the key importance of ports for economic and social development, and for competitiveness and prosperity in Europe, not only in the coastal regions;

— notes the tremendous diversity that is such a feature of European ports and is convinced that differing structures foster competition to identify the most efficient transport routes;

— stresses that it makes sense to manage ports at regional and local level and is thus pleased that the Commission has no intention of intervening to harmonise the different forms of port management in place in the EU;

— would stress that it is not only individual ports that are competing with one another, but entire transport chains;

— considers that the guidelines on State aid due to be introduced in 2008 are a suitable tool for clarifying the EC Treaty provisions as they relate to ports, with a view to ensuring that competition in the ports sector continues to be fair and efficient;

— notes the continued absence of a real internal market for maritime transport in Europe and welcomes any simplification in administrative procedures, the progress made in modernising customs formalities, and the Commission’s initiative, announced for 2008, to establish a European Maritime Transport Space without Barriers;

— calls for the further development and promotion of the ‘Clean Ship’ and ‘Clean Port’ projects and feels that efforts to reduce greenhouse gas emissions from ships — for instance, through access to shore power — should be concentrated at international level, so that European ports do not suffer any disadvantage in global competition;
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Reference document
Communication from the Commission on a European Ports Policy
COM(2007) 616 final

I. Policy recommendations

THE COMMITTEE OF THE REGIONS

Basic points

1. thanks the Commission for the communication on a future European ports policy, which is the fruit of an extensive reflection and consultation process carried out between May 2006 and June 2007 in which various aspects of the European ports policy were examined by all stakeholders in six dedicated workshops;


3. thinks that the communication is closely linked with other pertinent issues, particularly European marine policy and European transport policy, and would refer to its own-initiative opinion of 12 October 2005 on EU maritime policy — a question of sustainable development for local and regional authorities (CdR 84/2005 fin), its opinion of 13 February 2007 Towards a future maritime policy for the European Union (CdR 258/2006 fin), and its opinion of 14 February 2007 on the Mid-term review of the European Commission’s 2001 Transport White Paper (CdR 119/2006 fin);

4. stresses that any future European ports policy must be designed and implemented in line with the subsidiarity and proportionality principles;

5. highlights the key importance of ports for economic and social development, and for competitiveness and prosperity in Europe, not only in the coastal regions. Ports, maritime transport and the attendant logistics are one of Europe’s strongest growth areas. Ports handle 90 % of the EU’s international trade. 40 % of intra-Community trade is also shipped via ports. More than 200 million passengers travel by ship in the EU each year;

6. is convinced that any European ports policy must take due account both of these aspects and of increasing globalisation and the new context of an enlarged European Union. Other factors that are of key importance for sustainable and balanced growth and for the success of European regions are climate and environmental protection and public health;

7. notes the tremendous diversity that is such a feature of European ports and is convinced that differing structures foster competition to identify the most efficient transport routes;

8. is pleased, therefore, that, following the failure in the European Parliament of the two draft directives — which the Committee of the Regions had also criticised — on market access for port services, the communication and the further measures it announces mostly involve soft law, rather than new legislative proposals, as that is a better way to take account of the differing structures that are in place;

9. welcomes the fact that the Commission has taken the opportunity to broaden the communication’s scope to go beyond the approach of the two draft directives, which were essentially limited to access to port services, and address a large number of issues;

10. welcomes the measures proposed to clarify Community rules in this area. The purpose of the measures must be to further improve effective competition and free market access. The Committee of the Regions notes in this connection that, in many parts of the Union, a high level of effective competition already exists between and within European ports;

11. would stress that it is not only individual ports that are competing with one another, but entire transport chains. This must be borne in mind in all provisions affecting the sub-area of ports, as these also impact on the entire logistics chain in hinterland traffic;

12. believes that EU measures liable to have an impact on transport flows, such as, for instance, trans-European transport network policy, or the guidelines on the application of Community environmental legislation to port development, should be underpinned by the need to maintain a stable environment for investment and a favourable social environment in ports, and to ensure sustainable port development, the uniform application of the provisions of the Treaty, and consultation with the national, regional and local authorities;
Port performance and hinterland connections

13. broadly agrees with the Commission analysis on improving port performance and welcomes the greater prominence given to increasing efficiency rather than expanding infrastructure; calls however, for strategies to promote intermodality and multimodality that take account of the specific features of the various regions, and stresses that the goal of a more rational distribution of traffic in Europe must be realised by the market within a global political framework;

14. would also point out, however, that the concept of ‘port’, that is connections between the open sea and the hinterland, should also include the seaward approaches to a port (e.g. use of ice-breaking and dredging to keep shipping lanes open);

Expanding capacity while respecting the environment

15. feels that any port development must be respectful of environmental concerns and the interests and needs of those living in port cities;

16. thus supports the Commission’s intention to issue guidelines on the application and interpretation of environmental provisions as they relate to port development. This requires a new, broad-based consultation process involving not only the port sector, but also the regional and local authorities that play a crucial role in port development. Coordination and balance are needed between port development measures and action to protect the environment;

17. welcomes the planned action on waste and sediment management and endorses the Commission’s intention of ensuring that the corresponding EU rules are applied in all Member States;

18. backs the Commission’s plans to cut emissions in ports, but also stresses the key role of the International Maritime Organisation (IMO) in this connection, and calls for international agreements rather than any European attempt to go it alone that would weaken the EU’s global competitiveness; feels, however, that the EU must act alone if the IMO does not come up with tangible solutions within a reasonable timeframe;

Modernisation

19. notes the continued absence of a real internal market for maritime transport in Europe and welcomes any simplification in administrative procedures, the progress made in modernising customs formalities, and the Commission’s initiative, announced for 2008, to establish a European Maritime Transport Space without Barriers;

20. nonetheless has its misgivings about the practical problems involved in establishing barrier-free maritime transport, and recommends that a careful analysis be made of the existing situation before any new action is taken;

A level playing field — clarity for investors, operators and users

21. stresses that it makes sense to manage ports at regional and local level and is thus pleased that the Commission has no intention of intervening to harmonise the different forms of port management in place in the EU;

22. considers that the guidelines on State aid due to be introduced in 2008 are a suitable tool for clarifying the EC Treaty provisions as they relate to ports, with a view to ensuring that competition in the ports sector continues to be fair and efficient;

23. in this connection also welcomes the extension of the transparency provisions of Directive 2006/111/EC to all ports irrespective of their size and annual turnover;

24. notes the points made in the communication that the relevant European Court of Justice case-law applies to the award of concessions and that a transparent selection procedure must be carried out when granting concessions that do not come under public procurement law. The Committee of the Regions still sees a need for clarification of the role of port authorities in this regard and their scope for giving adequate support to regional interests and port development;

25. is concerned that lack of flexibility in the administration of the proposed measures will result in legal uncertainty or a reduction in investment incentives for existing providers, thus potentially weakening Europe’s competitive position;

26. trusts that ports will also still have scope to undertake necessary modernisation, expansion and conversion work as part of effective port development without the need for a selection procedure;

27. feels that further clarification is needed as to the rights of workers when an undertaking is subject to a transfer of ownership, particularly in cases where Directive 2001/23/EC mentioned in the communication does not apply;

28. notes that technical maritime services (such as pilotage, towage and mooring) are classed as services of general economic interest and are therefore subject to Articles 86, 87 and 88 of the Treaty establishing the European Community. Under these articles and the principle of subsidiarity, it is the Member States’ responsibility to identify their SGEI in compliance with the conditions set out in the Decision of 28 November 2005. If a Member State decides that an undertaking is responsible for an SGEI, the undertaking may receive public service compensation if the income from providing the SGEI exceeds the costs actually incurred and a reasonable profit; calls however, for strategies to promote intermodality and multimodality that take account of the specific features of the various regions, and stresses that the goal of a more rational distribution of traffic in Europe must be realised by the market within a global political framework;

29. believes that there is still a need for clarification with regard to pilotage and associated safety issues, which are the responsibility of local and regional authorities;
30. agrees with the Commission assessment of worker ‘pools’ and highlights their importance in recruiting and training port workers under current EU law, particularly in relation to freedom of establishment and the freedom to provide services;

31. welcomes the definition of the term ‘port dues’ and the fact that these are discussed solely in relation to the overall infrastructure, and asks for detailed clarification of the use of such dues in the planned State aid guidelines so as to avoid any anti-competitive cross subsidisation;

32. notes that port dues are already very transparent and thus sees no need for further rules in this area;

33. welcomes the Commission’s intention to devote more attention to competition between European ports and third-country ports, and to provide support for the ports concerned, many of which are at a disadvantage not only because of their peripheral geographical location but also because of increased competition with third countries;

34. is concerned that the 100 % scanning of all shipping containers bound for the USA, required under the US Safe Port Act (2006) and in House Resolution No 1 (2007), is almost impossible for European ports to implement and is also extremely costly; it therefore calls on the Commission to negotiate feasible solutions with the US authorities;

35. supports the Commission’s intention to improve the image of ports and to integrate them more effectively into cities. In many regions, ports play a key role that goes beyond purely economic and employment aspects. They often shape the urban landscape and make a significant contribution to urban or regional development;

36. therefore calls for an innovative approach which exploits the cultural, tourist and recreational potential of port cities, and makes a significant contribution to urban or regional development;

37. welcomes the Commission’s planned measures to raise public visibility, but envisages difficulties in respect of the security measures currently in place both for general safety reasons and to combat terrorism and crime;

38. feels there is a need for further clarification as to the development and relevance of the planned multi-purpose access cards;

Establishing a structured dialogue between ports and cities

39. believes that any European ports policy must also take account of the employment dimension if it is to safeguard and create skilled jobs;

40. thus welcomes Commission plans to promote social dialogue at European level. This must be done in close cooperation with the social partners. Good and safe working conditions and continual improvements in basic and further training for port workers, including, for instance, through the use of simulators as standard, are key factors in the further sound and sustainable development of ports and the regions in which they lie;

41. underscores the fact that Europe can only maintain its competitive position on the world stage if it demonstrates an exceptional capacity for innovation and offers a higher quality than other regions, and stresses the key importance of academic education and training and ongoing vocational training to achieve this objective;

42. is concerned that the number of work-related accidents in ports and on ships is still too high. The Committee of the Regions points out that local and regional authorities play an important role in monitoring and enforcing health and safety rules in ports.

II. Conclusions and recommendations

THE COMMITTEE OF THE REGIONS

43. laments the delay in the building of infrastructure for the trans-European network (TEN) and calls on the Commission to better inform the Member States and the regions and cities about available funding possibilities and in this way help them to build up capacity and infrastructure for land access to ports (hinterland connections) and for the seaward approaches to ports (connections between ports and shipping lanes) and to develop logistic distribution networks;

44. believes that future rules for the granting of aid to motorways of the sea must formally involve the regions, and, in this connection, calls for a generally simplified procedure that better reflects the interests of the undertakings involved and thus fosters the more widespread use and acceptance of environmentally sound maritime transport;

45. proposes that, in future, greater use be made of land-use planning tools and integrated coastal zone management in land and sea access planning;

46. calls for the speedy publication of the State aid guidelines following consultation with the Member States, regions and stakeholders;

47. calls for economic incentives to be introduced to ensure appropriate port infrastructure and adequate sea transport to island and remote coastal regions, in order to promote the sustainable development of these areas and to minimise factors hampering business activity and equal access to major European markets;

48. stresses the need to combat air pollution and climate change and for ports and maritime transport to play a role on this front, for instance through the rapid switch to cleaner ship fuel and the speedy implementation of the IMO rules for the treatment of ships’ ballast water.
49. calls for the further development and promotion of the 'Clean Ship' and 'Clean Port' projects and feels that efforts to reduce greenhouse gas emissions from ships — for instance, through access to shore power — should be concentrated at international level, so that European ports do not suffer any disadvantage in global competition; complementary action should also be taken at European level to ensure an immediate improvement in the quality of life for people living in port communities;

50. believes that the public should be better informed than hitherto about the key importance of ports and seas for economic growth and job creation in Europe. This task should be left largely to the Member States, regions and ports;

51. looks forward with keen interest to the introduction, planned for 2008, of Commission measures to develop the EU's integrated maritime policy and to seeing how ports will be involved in this process;

52. acknowledges that, with due consideration for the subsidiarity and proportionality principles, a large number of measures are required at EU level to cover all aspects of ports policy. However, the Committee of the Regions fears that not all the measures can be achieved within the intended timeframe and for this reason would like to see a clear statement of the priority that is to be given to each initiative;

53. proposes that, when the Commission's proposed measures are adopted, consideration be given to the existence of small local and regional-scale ports, whose activities are not predominantly commercial and which play a vital role for the communities in which they are located, and which have very limited financial and human resources when it comes to applying EU guidelines and legislation; proposes that, in some cases, new Community legislative instruments be checked for their impact on the capacities and volume of activity of these ports, so as not to undermine their viability;

54. thus recommends that the list of actions be revised to indicate the degree of priority to be attached to the individual objectives that the actions are supposed to achieve, the tier of government likely to be responsible under the subsidiarity principle, and the appropriate timeframe;

55. offers its help and support in working out proposals for setting the order of priorities for the measures concerned and for future ports policy, and would ask to be kept regularly informed of developments in this policy area;

56. recommends establishing a system under which all interest groups are able to be consulted regularly, thereby making it possible to factor their input into the ongoing development of the European ports policy, avoid potential conflicts and exchange best practice; it draws attention in this regard to the possibility of supporting and promoting local and regional bodies in a bid to secure a high level of acceptance for the policy;

57. asks the Commission to submit an interim assessment of the European ports policy by 31 December 2009 including a proposal for measures to eliminate bottlenecks between ports and the hinterland.


The President
of the Committee of the Regions
Luc VAN DEN BRANDE