



Newsletter – September 2023

When fears start to materialize...

On several occasions, FEPORT has warned about the risks of cargo diversion¹ resulting from the entry into force of ETS for maritime shipping.

While FEPORT is supportive of the ETS, it has underlined the high risk of evasion which will soon threaten the integrity of the ETS, leading to higher emissions from longer voyages whilst failing to push shipping companies to green their fleets.

Fewer allowances being auctioned will also mean less revenues available for the decarbonization of the sector. Finally, evasive port calls will negatively affect employment and business activity in certain ports in the EU, and undermine their strategic role as hubs for transport, renewable energy, and connectivity.

In its recent reply to the consultation held by the EU Commission on the list of non-EU neighbouring ports that would fall under the “transshipment clause”, FEPORT expressed its serious concern about the materialization of fears when it comes to carbon and business leakage due to the limited scope of the current legislation.

More is needed to ensure monitoring and effective prevention of carbon and business leakage from EU ETS Maritime.

¹ [EU ETS Maritime: Managing bodies of Europe’s ports and Private Port Operators welcome Commission monitoring of carbon and business leakage, but call for early and robust action against evasion - Brussels \(feport.eu\)](#)
[Newsletter – April 2023 \(feport.eu\)](#)

FEPOR fully supports the inclusion of Tanger Med and East Port Said in the list of neighbouring container transshipment ports as they both exceed the share of 65% transshipment containers and are located less than 300 nautical miles away from the EU. Even more importantly, both ports are important competitors to EU ports when it comes to transshipment traffic and could gain a competitive edge as a consequence of the extra-EU application of ETS Maritime.

However, FEPOR would also like to stress the importance of close and continuous monitoring of other non-EU ports to ascertain whether they exceed the 65% share of container transshipment traffic and should therefore be included in the Annex of the Implementing Regulation.

It is also crucial to monitor whether transshipment evasion happens via non-EU ports that do not meet the 65% threshold but nevertheless compete with ports in the EU for transshipment cargo.

Shipping companies can avoid the costs associated with the extra-EU application of EU ETS in three ways (options):

1. Shipping companies **change the order of their port calls** and call at a non-EU port before calling in the EU. For example, a ship originating from China could call at Tanger Med first before calling at a port in the EU.
2. **Reconfiguration of shipping routes:** Cargo is dropped off in a non-EU transshipment port and then distributed via smaller (feeder) vessels to EU ports. Cargo will in this scenario still reach the EU, but transshipment traffic will be relocated to non-EU ports. In a similar vein, EU ports could lose transshipment business for cargo that is destined to non-EU ports.
3. Shipping companies will **stop using EU transshipment ports for voyages where the final destination of either the ship or the container is outside the EU.**

FEPOR believes that option 1 is to a certain extent addressed for ports that are included in the Annex of the Implementing Regulation as they will be excluded from the definition of port of call and therefore not count as far as the submission of allowances under EU ETS maritime is concerned.

However, replacing an EU port by a “neighbouring container transshipment port” listed in the Annex can still allow shipping companies to avoid part of the allowances due for the intra-EU part of the voyage.

It remains possible to avoid paying into the ETS by changing the order of port calls using ports that are not included in the list as they do not meet the threshold of 65% container transshipment traffic. Adding an additional call to, for example, a port in the UK will still allow shipping companies to avoid ETS costs.

The second option of dropping off cargo in non-EU transshipment ports and then distributing it to the EU via different vessels, also remains an option for shipping companies to avoid ETS costs, even when using ports that are included in the list of neighbouring container transshipment ports. The reason being that when cargo is transported from neighbouring transshipment ports

such as East Port Said or Tanger Med, shipping companies are only required to pay allowances to cover the trip between said ports and the destination in the EU, which of course allows significant cost savings as compared to a scenario where the shipping company needs to pay allowances to cover an intercontinental voyage originating from North America or East Asia.

The third option regarding voyages where both the origin and the destination port are outside the EU is not addressed and shipping lines are strongly incentivized to skip transshipment ports in the EU.

All above mentioned cases show that a strong monitoring of EU ETS Maritime is needed to propose timely measures in case any negative impact on employment or business activity in EU ports is established. Action needs to be taken as soon as possible as we are getting closer to the materialization of the fears.

FEPORIT therefore reiterates its support for article 3gg(3) of the revised ETS Directive as it requires the Commission to actively monitor possible evasive behaviour and propose measures if any negative impact is found. The strong monitoring should rely on early warning indicators and also focus on possible evasion via ports that do not meet the threshold of 65% container transshipment traffic. Only then can adverse impacts be established on time and measures taken before reconfigurations of shipping routes at the expense of EU ports become irreversibly entrenched.

01.09.2023 – ERFA Press Release - Greater Ambition Needed on Commission Proposal on Railway Infrastructure Capacity in SERA-Brussels



On 11 July 2023, the European Commission presented its proposal for a Regulation on Railway Infrastructure Capacity in the Single European Railway Area (SERA). ERFA appreciates the general objectives of the Regulation but believes significant improvements are needed if the Regulation is to have a real and tangible impact on growing rail freight volumes. The proposal as tabled by the European Commission will most likely only lead to minor improvements in rail freight services and not before 2030.

The proposal of the European Commission includes some positive elements which will assist the growth of rail freight. The inclusion of rolling planning, multi-network capacity rights and reciprocal commercial conditions will assist in the growth of rail freight in Europe. It is important however that the focus is not solely on the positives within the Regulation, but also where further improvements are required.

It is essential that the implementation date of the Regulation is revised. Under the current proposal, the provisions of the Regulation will not come into force until 2030. Whereas it is understandable that some aspects within the Regulation will require sufficient time for development, others can be implemented directly after adoption of the Regulation. Implementation dates within the Regulation should therefore be staggered. Subject to a first reading adoption, points such as capacity rights and methods of capacity allocation as well as rights on compensation for changes to capacity could already be introduced from 2025.

Rights of capacity requests need to be improved. Under the proposal, Infrastructure Managers have a right to refuse capacity requests if they do not comply with the capacity supply plan. Such a system does not cater for the flexibility needed by rail freight. There should instead be an obligation to offer capacity which is aligned as much as possible with the received capacity request. Rejection of requests should only occur where no capacity is available. Additionally instruments to secure reserved capacities for freight traffic on main corridors for the mid-long term should be implemented.

The Regulation is also missing a neutral oversight body and any official role of users in decision making processes. Whilst a decentralized approach to capacity management, built upon existing Infrastructure Management Networks, is correct; this must be joint by clearly defined rules, a mechanism for user input and an independent oversight body to deliver trust in the system.

Source: ERFA

05.09.2023 – ERFA Joint Press Release - The Greening Freight Transport Package should be kept together - Brussels



CER, ERFA and UIRR call on the European Parliament and the European Council to maintain the package approach when considering the legislative proposals in the 'Greening Freight Transport Package' (GFTP) tabled by the European Commission on 11 July. The amendment of the Weights and Dimensions Directive (WDD) should not be considered on its own merit without seeing the Combined Transport Directive (CTD) amendment proposal. The new CountEmissionEU Regulation is a similarly closely linked part of the GFTP.

The components of the WDD amendment must function in coherence with the objective to reinforce Combined Transport, which offers the greatest energy efficiency in parallel with the lowest environmental load for door-to-door long distance transport. The "operational efficiency measures" proposed in the WDD amendment should primarily focus on shorter distance road transport, while Combined Transport's standing should be reinforced in the longer distance

segments. Without this logic, the objectives of greening freight transport and promoting intermodal freight transport will not be met.

The reverse modal-shift consequence of introducing heavier and longer vehicle combinations in the proposal as European Modular System (EMS), or gicaliners, has been proven in several studies, which until now served as the basis for the rejection of the cross-border circulation of gicaliners. The free circulation of gicaliners carrying average density (palletised) cargo would only act to increase the 76% market share of road transport. Only Combined Transport can reduce the number of trucks on the roads, not gicaliners. Average density cargo is the cargo segment from where modal shift on long distances would be indispensable in order to achieve the desired greening of freight transportation.

The measures labelled in the WDD amendment intending to promote intermodal transportation are either irrelevant or ineffective. There is only marginal interest in transporting intermodal consignments that would require additional gross weight road vehicles for the CT road legs. Road and motorway managers are already unhappy with 44-tonne trucks as these cause accelerated wear and tear to the road infrastructure, and more specifically to bridges.

The introduction of longer and heavier vehicles, or gicaliners, would only result in the enhancement of intermodal freight transportation if the 3 legislative proposals that were designed and presented by the European Commission as forming a single Package are considered by the European co-legislators as a single package. CER, ERFA and UIRR call on the European Commission to present its CTD amendment proposal as soon as possible and ask the European Parliament and the European Council to refrain from progressing the WDD amendment until this time.

Alberto Mazzola, Executive Director of CER stated: “Electric rail infrastructure enables the direct transformation of non-fossil energy sources into freight transportation performance. Rail is also safer, contrary to HDVs which still cause numerous fatalities and injuries. According to the European Transport Safety Council (ETSC), fatalities provoked by collisions with heavy duty vehicles are declining much less than those involving light vehicles.”

Conor Feighan, Secretary General of ERFA stressed: “If the European Union is serious about reducing freight transport emissions in the short-term, it is essential that a framework is developed which facilitates modal shift. It is difficult to see how this can be achieved by progressing with the Weights and Dimensions Directive in isolation from other strategic files such as the Combined Transport Directive.”

Ralf-Charley Schultze, President of UIRR, pointed out: “Technology neutrality as well as the ultimate greening objective requires that the European co-legislators update our laws so that the most energy efficient and least environmentally burdensome transport solution prevails, instead of enacting measures that increase the 76% market share of road transportation, half of which is long-distance transport today. Door-to-door Combined Transport effectively delivers all of our European transport-, energy-, climate-, environmental- and social policy objectives.”

Source: ERFA

06-08.09.2023 – FEPORT participates to the Baltic Port Conference – Ystad



FEPORT Secretary General, Ms Kerdjoudj Lamia has been invited to speak at the Baltic Ports Conference held in Ystad from 6th to the 8th of September 2023.

The welcoming speeches of the conference were delivered by Mr Kimmo Naski (BPO), Mr Björn Boström (Port of Ystad) and Mr Randi Graungaard (City of Ystad) who made it clear that mutual support and cooperation are the key to success.

All speakers called for cooperation and knowledge sharing to build a strong and resilient maritime community.

The main macroeconomic trends that will shape trade in Europe in the near future have been outlined in the presentation made by Mr Inda Vonck (Deloitte). These include the increasing requirements of resilient and green operations and investments, coupled with growing levels of government intervention, rising inflation and the subsequent rate hikes, as well as the end or pause of the globalization process. The investments required to overcome these hurdles, i.e., investments needed to boost the wider maritime industry's resilience and greening efforts, amount to trillions of euros.

Many of these points echoed throughout the subsequent discussion panel, featuring representatives from ESPO and CLECAT Secretary Generals Ms Isabelle Ryckbost and Ms

Nicolette Van de Jagt. If the EU expects the port sector to play a significant role in its push towards increased resilience and combating climate change, significant funding and support from the side of policymakers will be mandatory.

Resilience and competitive potential were further discussed by FEPOR Secretary General Ms Lamia Kerdjoudj as well as representatives from CBSS and CINEA. The industry needs to adapt to a reality of a permanent crisis and the key attitude will be an agile planning supported by shared knowledge and willingness to cooperate.

Other drivers governing the development of the port sector were also touched upon in a presentation by Mr Bogdan Ołdakowski, Secretary General of the Baltic Ports Organization, who highlighted where the Baltic port sector might find itself in the next ten years. Those mentioned among others included the rising protectionist sentiments, the ever-increasing need for technological innovation and the choice and implementation of the most efficient solutions, demographic aspects (e.g., the aging workforce), as well as near- and friend-shoring.

12.09.2023 – EP Plenary - Adopted: Surface water and groundwater pollutants – Strasbourg

On the 12th of September 2023, the European Parliament adopted a position on reducing groundwater and surface water pollution and improving water quality in the EU.

Members of Parliament requested that the EU's checklists should be regularly updated to keep up with new chemicals that are dangerous to the environment. Moreover, it was also requested that manufacturers who sell these substances must contribute to financing the costs of monitoring, which is now being done exclusively by the Member States.

MEPs have approved the report and rapporteur Brglez, from the S&D group, declared that the revision of EU water legislation is one of the key policy instruments to implement EU commitments under the Zero Pollution Action Plan. The next step will be to start negotiations on the final text of the Directive, once the European Council has agreed on its position.

By adopting this report, European Parliament will meet the expectations of citizens to protect and restore ecosystems and eliminate pollution.

13.09.2023 – 70th SAGMAS meeting – Brussels

On the 13th of September 2023, FEPOR attended the 70th meeting of the Stakeholders Advisory Group on Maritime Security. During this meeting, information was provided on latest trends and developments on piracy focusing on incidents and attacks world-wide. Furthermore, a presentation was provided by INTPA on the EU's new Maritime Security programmes such as "Safe Seas" which focusses on the East and West Africa regions.

Another presentation, provided by EUROPOL, discussed how organized crime and drug trafficking infiltrates the ports of Europe and outlined the main findings of [EUROPOL report](#) on the topic.

Finally, on cybersecurity it was reported that at the latest IMO MARSEC meeting it was decided that the 2017 maritime cyber risk management guidelines should be revised.

18.09.2023 - EP INTA - Building a comprehensive European port strategy - Brussels



During the meeting of the INTA Committee of the European Parliament on the 18th of September 2023, MEPs and the European Commission discussed the “European port strategy”.

The exchange of views reflected a growing awareness of the challenges and vulnerabilities facing these critical assets. MEPs stressed the importance of protecting ports, promoting competitiveness and preventing criminal activities, while the Commission outlined various measures to address these topics.

MEP Iuliu Winkler (EPP), Rapporteur of the INTA Committee, emphasised the central role of economic security for the EU. He described ports not only as strategic maritime infrastructure, but also as key points of vulnerability. Highlighting fears over potential blackmail, sabotage and cyber security threats, he emphasised the urgent need to secure them. He also raised the issue of dependence on foreign ownership and emphasised the importance of strengthening the competitiveness of EU ports. To achieve these goals, he called for an increase in national investment in research and development (R&D), innovation and job security, as well as promoting foreign investment through initiatives such as the Global Gateways. Furthermore, he asked for a review of foreign direct investment (FDI) Regulation.

MEP Margarida Marques (S&D) highlighted the importance of an open and sustainable EU trade policy in strengthening the competitiveness and resilience of EU ports. She emphasized the need for the Global Gateway to play a significant role in enhancing the EU's port connections to third countries, promoting trade and security. She also stressed the necessity of reviewing FDI screening measures to ensure that they align with these goals.

MEP Helmut Scholz (The Left) evoked drug trafficking as a pressing security issue that the Parliament should address. He emphasized the importance of proper implementation of FDI legislation by Member States and advocated for the development of a comprehensive EU plan to combat corruption, which can undermine economic security.

MEP Kathleen Van Brempt (S&D) expressed concern about the lack of a comprehensive strategy on ports, especially regarding the protection of vital infrastructure and the prevention of criminal activities. She asked the next Commission to prioritise these issues, emphasising their importance for strengthening economic security.

The European Commission's Directorate-General for Trade (DG TRADE) pointed out that Article 47 of the TEN-T Regulation is a security measure. This article provides guidance on the assessment of potential risks associated with foreign investment in EU ports, complementing the FDI regulation. In addition, DG TRADE referred to the Critical Entity Resilience Directive, which includes the transport sector. This directive obliges member states to conduct risk assessments involving critical entities to further enhance security.

The European Commission's Directorate General for Mobility and Transport (DG MOVE) recognised the need for foreign investment in EU ports, while emphasising the EU's duty to protect its strategic assets and interests. DG MOVE pointed out that the EU has implemented several instruments to safeguard economic security risks. These include the Critical Entity Resilience Directive, the Networks and Information Systems Directive (NIS2) and the Foreign Subsidies Regulation, all intended to ensure a level playing field and protect EU interests.

20.09.2023 – EP TRAN Draft report on Compliance with flag State requirements - Brussels

The European Parliament has focused on the reform of the European Union's maritime regulations, aiming to improve the safety of EU-flagged ships, reduce maritime pollution and promote digitisation. The draft report, presented on September 20th 2023, highlights a number of ambitious proposals that could transform the European maritime sector.

Another key aspect of the report is the emphasis on digitisation and automation in the maritime sector. This strategy is in line with the European Green Deal. The report promotes the mandatory adoption of electronic certificates for Member States three years after the entry into force of the directive.

The Rapporteur, MEP Tax, also calls for harmonised training programs by EMSA, including on aspects related to the Maritime Labour Convention, and insists on accurate data on crew working hours.

To prevent undesirable practices such as reflagging to avoid stricter regulations, the report supports the importance of a 'genuine link' between ship owners and flags. It is proposed that shipowners should be obliged to make social security contributions under the flag they use, ensuring greater compliance and accountability.

In conclusion, while supporting the establishment of an expert group on flag state requirements, the rapporteur suggests that solutions and recommendations should not penalise administrations that perform well.

Source: European Parliament

20.09.2023 – INI Report on the European Port Strategy – Brussels

On the 20th of September 2023, Rapporteur MEP Tom Berendsen (EPP, NL) has presented his draft report PR_INI (europa.eu) on the development of a comprehensive Port Strategy at the EU level, focusing on foreign investments in European ports, especially from China.

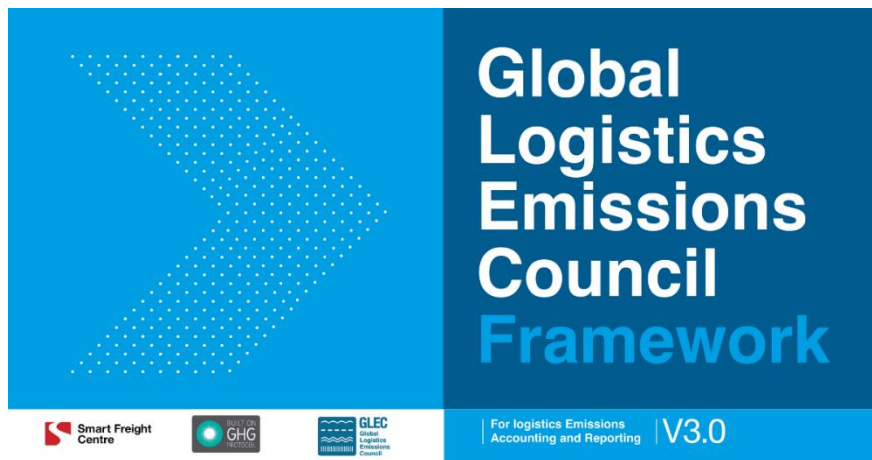
In the report, it is acknowledged that ports are crucial infrastructure to the economy and employment and that competition is welcome when there is no race to the bottom in terms of security and foreign control.

The focus point of the report is to avoid third-country dependency in the EU and set limits on investments by foreign state-owned players.

In the view of MEP Berendsen, using non-EU state-controlled platforms in data sharing in logistics exposes the EU to risks of espionage and sabotage. He calls on the Commission to present measures to tackle drug trafficking and criminality.

On the 9th of October 2023, the TRAN Committee will hold a debate on the report, and MEPs will have until 12th of October 2023 to submit amendments. The final vote in the Committee is pencilled for 7th of December 2023.

21.09.2023 – Smart Freight Centre releases updated GLEC Framework, Version 3.0 – Amsterdam



On September 21st, 2023, an updated method to calculate the carbon footprint of the global logistics supply chain, in full alignment with the new ISO 14083 standard has been released.

The calculation and reporting of greenhouse gas emissions and reductions has been at the heart of Smart Freight Centre (SFC) since its Global Logistics Emissions Council (GLEC), established in 2014, started to develop the GLEC Framework. This industry guideline was the first globally recognized methodology to calculate logistics GHG emissions and offer multinationals and their suppliers a harmonized, efficient and transparent way to calculate and report logistics emissions. Now, nearly ten years later, in a new logistics industry landscape with more climate urgency than ever, the GLEC Framework has been updated in step with external developments, of which the new ISO 14083 standard is one.

In collaboration with the German Institute for Certification (DIN), and members of an ISO working group, including industry, government, research and standards agencies, SFC was instrumental in setting up the process for a new ISO 14083 standard.. This marks a new phase of global standardization. The GLEC Framework was a core element used to develop the content for the new standard.

The new ISO14083 standard was built on the principles of the GLEC Framework. By aligning with the GLEC Framework, ISO 14083 facilitates the adoption of consistent processes by governments, international organizations, and investors, which have already been embraced by the industry.

Source: Smart Freight Centre

25.09.2023 – Publication of the 2023 CEF Transport Call Proposals – Brussels

On 25 September, the European Commission launched a new call for proposals under the Connecting Europe Facility (CEF) for Transport, worth €7 billion. This call aims to fund projects focused on enhancing European transport infrastructure.

The call covers various areas within the Core and Comprehensive TEN-T networks, including railways, inland waterways, maritime and inland ports, road safety, rail-road terminals, multimodal logistics platforms, safe and secure mobility, and infrastructure resilience. At the same time, projects funded will increase the sustainability of the trans-European transport network, aligning with the European Green Deal's objective of reducing transport emissions by 90% by 2050.

Applications must be submitted electronically via the Funding & Tenders Portal Electronic Submission System at the latest 30 January 2024.

The [2023 CEF Transport Calls for proposals \(europa.eu\)](https://europea.eu) are accessible through this hyperlink.

Source: European Commission

26-27.09.2023 – Waterborne Days conference – Brussels



On September 26th and 27th, 2023, the Waterborne Days, an interactive two-day conference was held at the Sofitel Brussels Europe. The event brought together 300 participants among others FEPORT. Leaders from the waterborne transport sector and representatives of the Directorate-General of Research and Innovation (DG RTD), the Directorate General for Mobility and Transport (DG MOVE), Directorate General for Climate Action (DG CLIMA) and the European Climate Infrastructure and Environment Executive Agency (CINEA) came together to boost innovation and development under the framework of the Strategic Research and Innovation Agenda (SRIA) of the sector, addressing its challenges in the green and digital transition.

Discussions covered six different thematic panel debates focused on different ship types, providing a comprehensive overview on the developments in the waterborne transport sector which is fundamentally important to EU strategies. In addition, the stakeholders engaged in

collaborative discussions on the SRIA – contributing into the update of the agenda on Zero-Emission Waterborne Transport, part of the Partnership between the European Commission and the Waterborne Technology Platform, with a focus on developing the strengths of the industry.

Mrs. Rosalinde van der Vlies, Director, Clean Planet, DG RTD – European Commission, stated: “The EU has the clear legal and political mandate to become climate neutral by 2050. One of the most challenging aspects will be to decarbonize the waterborne transport sector. To achieve this, we need to push the boundaries of technology forward, towards a new green technological revolution. The sector is incredibly complex, and the technology is always evolving. With this event, the European Commission will assess how its 2021 R&I waterborne transport strategy - published under the Zero-Emission Waterborne Transport Partnership – has performed so far, what are the achieved goals, which ones are the technological gaps that still need to be filled, and what is the priority for them.”



As part of the Waterborne Days event, the Waterborne Technology Platform jointly with the European Commission hosted an awards ceremony. There were three award categories: Environmental Impact, Innovation and Economic Viability.

iTerminals4.0 project has been elected yesterday as best Innovation Project during the Waterborne Awards 2023 ceremony.

Member's corner

12.09.23 – DP World's innovative hydrogen fuel cell powered gantry crane will use an ESS Corvus

The DP World RTG, as part of Vancouver Port's investment in low and zero-emission technologies to achieve zero emissions by 2050, will incorporate a pioneering hydrogen fuel cell and battery energy storage system.

Corvus Energy has been chosen by TYCROP and their hydrogen tech partner, H2 Portable, to supply the battery component for this innovative RTG crane retrofit project, making it the first of its kind in the Americas. This initiative is part of the Low-Emission Technology Initiative, a collaborative effort between the Vancouver Fraser Port Authority and the Province of British Columbia.



The aim of this hybrid-powered crane is to reduce port emissions, lower fuel costs, and minimize operating noise. It will utilize a dual hydrogen fuel cell system developed by TYCROP, H2 Portable, and Loop Energy, alongside Corvus's battery energy storage system (ESS). The ESS enhances energy efficiency by recycling regenerative energy for use during crane lowering operations.

Source: Corvus Energy

Events supported by FEPORT

28/09/2023 – Annual Thomas Miller Rotterdam Reception



04/10/2023 – SeaFocus ESG Summit - Turku



18-19-20/10/2023 – 18th GreenPort Congress & Cruise - Lisbon



FEPORT meetings

04.10.2023	Environment, Safety and Security Committee – Brussels
05.10.2023	Port Policy Committee – Brussels
02.11.2023	Board of Directors – Brussels
09.11.2023	Social Affairs Committee – Brussels
23.11.2023	FEPORT Board of Directors – Brussels
23.11.2023	FEPORT General Assembly meeting Workshop - Brussels
24.11.2023	FEPORT – ETF Workshop - Antwerp

Institutional meetings

02.10.2023	ENVI Committee Meeting – Strasbourg
09.10.2023	TRAN Committee Meeting – Brussels
12.10.2023	ENVI Committee Meeting – Brussels
12.10.2023	ITRE Committee Meeting – Brussels
23-24.10.2023	ENVI Committee Meeting – Brussels
23-24.10.2023	REGI Committee Meeting – Brussels
25-26.10.2023	TRAN Committee Meeting – Brussels
26.10.2023	ITRE Committee Meeting – Brussels
09.11.2023	Sectoral Social Dialogue for Ports – Brussels

Council of the EU meetings

16.10.2023	Environmental Council – Brussels
04.12.2023	Transport Council – Brussels