



## **FEPORT Reply to the consultation on the Revision of the General Block Exemption Regulation (GBER)**



The Federation of European Private Port Companies and Terminals

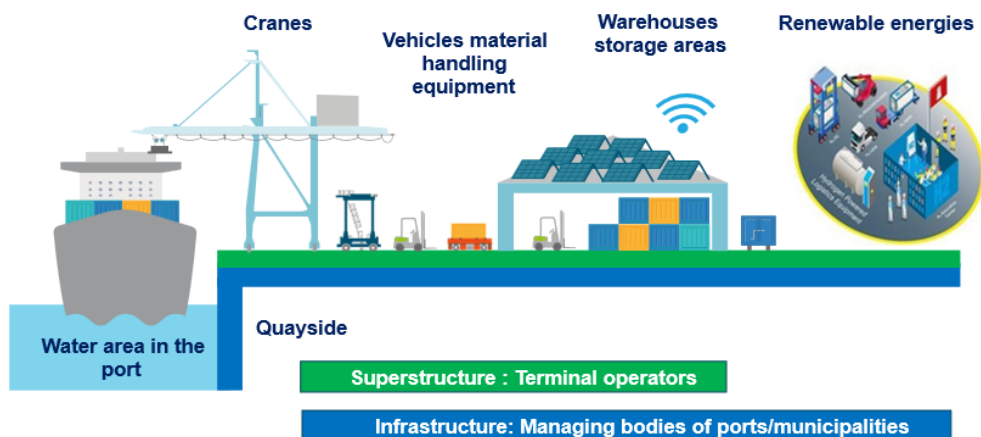
The Federation of European Private Port Operators (FEPORT) is the organisation representing 2,290 private port companies and terminals involved in cargo handling and related logistics activities across the EU, Norway, and Turkey. Together, our members employ over 400,000 port workers and have collectively invested more than €70 billion over the past decade to modernise EU ports.

## Introduction – Economic footprint of EU Ports

Ports are indispensable for the European economy and for the functioning of the Single Market. In 2023, EU seaports handled more than 3.4 billion tonnes of freight, making them by far the dominant gateways of Europe’s external trade. 74% of extra-EU goods passed through EU ports, while in value terms they accounted for 47.4% of all EU trade with non-EU partners, equivalent to more than €2.4 trillion in imports and exports (Eurostat, 2024a, International trade in goods by mode of transport). This share is not only higher than any other transport mode but exceeds by a wide margin the contributions of air, road or rail taken individually. EU ports are therefore the central arteries of Europe’s global trade, sustaining the industrial base of the Union, guaranteeing the resilience of supply chains, and remaining indispensable for the completion of the Trans-European Transport Network.

Beyond their economic role, terminals operators carry responsibilities that extend well beyond those of ordinary private undertakings. They operate critical nodes of the European transport system, enabling the free circulation of goods and passengers, and ensuring connectivity between Member States and with the wider world. Their investments and day-to-day operations therefore serve the general interest: from facilitating energy security and food supply chains, to enabling humanitarian logistics and military mobility, terminals are directly tied to objectives that the Union itself has identified as strategic. In this respect, terminal operators act not only as commercial actors but also as custodians of an optimized use of the port infrastructure that is essential for Europe’s resilience.

## Investments in ports: who is investing in what ?



The direct contribution of the port sector is already significant. The European Commission's Blue Economy Report 2025 indicates that port activities in the Union generate close to €90 billion in annual turnover and over €33 billion in gross value added, providing direct employment to more than 430,000 European workers in cargo handling, warehousing, port construction and related services (European Commission, The EU Blue Economy Report 2025). Yet this is only a fraction of the true footprint. Studies consistently demonstrate that for every job in a port, up to two additional jobs are sustained in the wider economy through logistics, industrial supply chains and induced demand.

Large hubs such as Antwerp-Bruges and Rotterdam illustrate this multiplier effect clearly: their total economic contribution is more than double the direct value added, with several hundred thousand jobs in dependent industries (Port of Rotterdam & Port of Antwerp-Bruges, 2025, Value Creation for Europe). Taken together, ports and terminals across the Union directly and indirectly support well above one million jobs and generate over €100 billion of value for the European economy.

By the same token, terminal operators face significant investment challenges. They are confronted with a customer base that invests in ever larger ships, requiring ever larger container handling equipment. These customers enjoy very significant levels of state aid. In addition, terminal operators have to invest in short order in equipment for the energy transition and for military mobility, with uncertain returns.

Despite this crucial role of ports, the superstructure operated by private port and terminal operators has until now remained largely outside the scope of the General Block Exemption Regulation.

The GBER has long served as a vital instrument to facilitate low-friction support measures in sectors deemed strategic for Europe's competitiveness, but port superstructures and terminal equipment were not included. This exclusion from the scope of the GBER has left operators navigating a fragmented and burdensome notification landscape, in sharp contrast with other industries that benefit from streamlined procedures.

Crucially, ports are today the only transport sector in the Union without block exemptions framework adapted to their current challenges and essential investment needs : while aviation, rail and road, as such or in reference to infrastructures, all benefit from simplified frameworks even at least via dedicated guidelines, that cover both infrastructure and key operational assets, the scope of the GBER for ports remains confined to basic infrastructure while at the same time there are no further guidelines to address this gap.

So far, we understand that seaports will not be covered in the forthcoming draft TBER (transport block exemption regulation) neither. This gap leaves critical port superstructure investments subject to both the stricter rules and legal uncertainty and administrative obstacles, precisely at a time when such assets are indispensable to deliver on the Union's own objectives in decarbonisation, digitalisation, multimodality and resilience. A modernised GBER that explicitly ends with past artificial divides, covering investments in port infra- and superstructures and operational decarbonisation and digitalisation assets would therefore not grant any sectoral privilege: it is a competitiveness, security and Single Market instrument aligned with the Union's trade, climate and resilience objectives while restoring a level playing field.

## Ensuring compatibility with evolving EU policy priorities

The Commission's GBER review seeks, inter alia, to ensure compatibility with evolving EU policy priorities and to streamline/clarify categories eligible for block-exemption. For ports, this objective is best achieved by extending the current Section 15 beyond basic port infrastructure to cover superstructures and equipment that directly enable EU-mandated goals. Today, Section 15 largely covers port infrastructure (e.g., quays, access roads, dredging) and excludes superstructures, a mismatch with the Union's own policy priorities for ports and terminals. The 2026 revision is therefore the appropriate moment to correct this structural gap.

### *Energy transition (European Green Deal; AFIR; FuelEU Maritime)*

Delivering the EU's decarbonisation agenda in ports requires low- and zero-emission cargo-handling equipment, electrification systems and onshore power supply (OPS), and alternative-fuels infrastructure deployed at terminal level. These are superstructure/equipment investments indispensable to compliance with AFIR/FuelEU and the wider Green Deal trajectory; yet they are not covered by the current GBER port provisions. Bringing such decarbonisation-critical superstructures under block-exemption would align the GBER with the policy direction already set by the EU.

### *TEN-T completion, multimodality and connectivity (revised TEN-T; Sustainable & Smart Mobility Strategy)*

The completion of the TEN-T core and comprehensive networks by 2040 has been confirmed as one of the Union's most capital-intensive priorities. The Draghi Report (2024) estimates the total cost of achieving this objective at approximately €845 billion, far beyond what can be met by the current Multiannual Financial Framework and EU funding envelopes (Draghi, 2024).

While instruments such as CEF-T provide support, their scope has historically excluded or only marginally covered superstructures, leaving a critical gap in the financing chain.

The revised TEN-T Regulation (EU) 2024/1679 now explicitly recognises cargo-handling equipment and multimodal hubs as integral to the corridors, reflecting the operational reality that superstructures are as essential as quays or access links to deliver capacity, efficiency, and modal shift. Cranes, automated handling systems, intermodal transfer platforms, storage facilities, and digital operating systems are indispensable to realising the Regulation's objectives of bridging missing links, removing bottlenecks, and enabling seamless multimodal flows.

Yet, with limited EU funding available and growing competition for scarce CEF-T and Cohesion Fund resources, a revised Section 15 of the GBER that block-exempts aid for these superstructures would provide Member States with a predictable and proportionate tool to mobilise national and regional resources. This would ensure that terminal operators are not excluded from contributing to TEN-T completion solely because their most relevant investments fall outside the current scope of exempted categories. By covering superstructures that directly support TEN-T objectives, the GBER would help close the gap between Union ambition and the practical tools available to deliver it.

### *Digital superstructure and infrastructure (transport/logistics digitalisation)*

The EU has consistently elevated digitalisation and automation in transport and logistics as central to its strategic objectives (e.g. the Digital Decade, Single Market, smart logistics). At terminal level, this translates into investments in terminal operating systems, port community systems, IT/OT integration, data platforms, automation layers, and other digital infrastructure. These superstructure/equipment elements help improve throughput, enable interoperability across modes, reduce delays, and raise resilience to disruption. Yet they are not covered today under Section 15 of the GBER, despite being directly instrumental to meeting EU policy demands on digital logistics.

### *Resilience, security and dual-use/military mobility (EU defence & security priorities; TEN-T dual-use features)*

Military mobility has become a strategic EU priority, reflected in the revised TEN-T Regulation and the “Act in Defence of Europe” (Readiness 2030). Ports are at the centre of this agenda as critical enablers of troop and equipment movements along the four priority corridors. For terminal operators, this translates into the need for dual-use superstructures such as heavy-lift equipment, reinforced ramps and rail interfaces, and secure storage areas for sensitive or explosive goods.

Unlike investments in commercial handling equipment, these upgrades often provide little or no revenue stream and therefore exhibit very limited bankability. Without public support, private operators cannot be expected to shoulder the cost of assets that primarily serve collective security. A revised GBER that explicitly extends Section 15 to cover such dual-use superstructures would provide the necessary legal certainty for Member States to support them, reduce competitive distortions across ports, and close the viability gap between commercial feasibility and military requirements.

In the current geopolitical context, these resilience requirements increasingly extend to cybersecurity superstructures, such as hardened operational networks, detection and response systems, and secure communication platforms.

ENISA's Threat Landscape 2024 recorded a sharp escalation of cyberattacks in late 2023 and early 2024, with the transport sector accounting for approximately 11% of incidents (ENISA, 2024). NATO's Cooperative Cyber Defence Centre of Excellence has likewise identified state-linked campaigns against European maritime and port infrastructure as a growing risk factor (CCDCOE, 2021)

### *Coherence and consistency across transport modes*

A further reason to extend Section 15 of the GBER to cover port superstructures lies in the need for coherence across the Union's transport State aid framework. Other modes already benefit from clear block-exempt categories that recognise both infrastructure and essential equipment. For instance, airports are covered under Article 56a GBER, which includes not only runways and terminals but also centralised ground-handling infrastructure. Rail and land passenger transport similarly benefit from sector-specific frameworks, such as Regulation 1370/2007, which exempts compensation of public service obligation – that could cover infra, stations, rolling stocks, exploitation - from notification when predefined conditions are met. Furthermore, all other modes benefit from dedicated State aid guidelines, defining the criteria based on which the Commission will consider non exempted aids as compatible.

Last, but not least, we understand that other transport modes but maritime, including inland ports, will be covered by the forthcoming TBER under preparation this benefiting from a renewed, enlarged, transport specific but global regime of exemption. Once adopted, maritime ports will even more look left alone on the gate of reforms.

By contrast, maritime ports indeed remain the only major transport sector where the block-exemption is limited to basic infrastructure - quays, access roads and dredging - while explicitly excluding superstructures. This creates a structural inconsistency in EU law: if airports and land transport have clear legal certainty for their terminal-level enablers, the absence of a similar framework for ports leaves a gap that undermines uniformity in the application of State aid rules across transport modes. Extending Section 15 to cover port superstructures would therefore not be a matter of parity, but of ensuring systemic legislative coherence.

#### *Compatibility with the rules applying in the internal market*

A dedicated State aid framework for port superstructures would also be compatible with the internal market under Article 93 TFEU, which recognises that “aids shall be compatible with the Treaties if they meet the needs of coordination of transport.” It is difficult to understand how transport can be coordinated if some modes are more broadly exempted than other. The concept of transport coordination goes beyond facilitating individual economic activity: it empowers public authorities to steer the sector towards achieving EU-mandated objectives. Extending Section 15 of the GBER to cover superstructures directly supports such coordination.

In particular, the revised TEN-T Regulation (EU) 2024/1679 prioritises measures that enhance accessibility and connectivity, strengthen multimodality, deploy zero- and low-emission infrastructure, improve safety and security, and adapt transport assets to dual-use purposes. Similarly, the European Green Deal, the Alternative Fuels Infrastructure Regulation (AFIR) and FuelEU Maritime set binding requirements for the decarbonisation of transport operations, while the Sustainable and Smart Mobility Strategy underlines the role of multimodal logistics in the modal shift to more sustainable freight. By enabling Member States to support the superstructures needed to fulfil these priorities, the revised GBER would ensure a proportionate alignment between EU objectives and State aid rules, consistent with the coordination of transport foreseen under Article 93 TFEU.

**The forthcoming revision of the GBER is therefore the opportunity to extend Section 15 beyond infrastructures and to explicitly include superstructures and equipment. This targeted expansion would ensure that Member States can support investments that directly enable the Union’s priorities in terms of decarbonisation, TEN-T completion, digitalisation, and dual-use infrastructure. Such alignment would reduce legal uncertainty, provide a proportionate and non-distortive framework for aid, and close the current structural gap between EU objectives and the tools available to achieve them.**

## **Proposal for Amendment of Article 56b GBER and the definitions of superstructures and access infrastructure**

A targeted amendment to Article 56b is necessary to remove a structural inconsistency that currently prevents Member States from block-exempting indispensable terminal assets and thereby undermines Union objectives already embedded in EU transport and industrial policy.

The present wording of Article 56b narrows eligibility to infrastructure and explicitly excludes port superstructures, creating a legal and economic asymmetry that is unique among major transport sectors and increasingly out of step with policy needs across decarbonisation, digitalisation, dual-use readiness, and intermodal connectivity. This exclusion blocks support for equipment and installations that are essential to deliver on the Alternative Fuels Infrastructure Regulation's requirements for electrification in ports, on the digitalisation of terminal operations, and on the Union's Readiness 2030 agenda for dual-use capability and military mobility. It also perpetuates uneven treatment between functionally similar transport assets and discourages timely investment by Member States and operators in critical equipment that directly enables port services.

From a legal perspective, the GBER revision announced for adoption in the fourth quarter of 2026 explicitly pursues simplification, streamlining, and the reflection of recent policy developments. The Commission's call for evidence recognises that some compatibility conditions have become overly complex and that the GBER's structure should be clarified and updated. Including port superstructures as eligible investment costs under Article 56b is a proportionate and administratively light way to bring the regulation into coherence with today's policy landscape, while preserving the access, pricing, and non-discrimination safeguards that already frame aid for economically used infrastructure in the GBER. It requires no new aid forms or derogations, only a calibrated expansion of the asset basket that may qualify as eligible investment costs within the existing methodology of difference-cost funding and ex-ante profit deduction or claw-back.

Substantively, the change remedies a misalignment that the sector has repeatedly highlighted. Superstructures and terminal equipment constitute the operational layer through which EU objectives are delivered in practice. Without block-exempted eligibility for superstructures, Member States must default to notification for measures that are clearly in the common interest and exhibit limited distortion risk when standard GBER safeguards apply, such as open and non-discriminatory access and market-conform pricing. From an operational timing perspective, the absence of block-exempted eligibility also generates systematic delays: notification procedures add months to the implementation of projects, creating uncertainty for investors and slowing down the deployment of critical infrastructure. Delays and process has a direct impact on public financing and access to State resources: Member States, including port authorities, refuse to consider public financing, even when investments would generate returns based on port fees, because of the deterrence effect of the cumbersome notification procedure and more globally legal complexity. Drawing the line between infra- and superstructures is sometimes making investment projects more complex. Ensuring block-exempted eligibility would not only provide legal certainty but also accelerate project roll-out, allowing Member States to meet EU objectives within the required timeframes and to avoid costly bottlenecks caused by administrative lag. Extending eligible costs to superstructures thus advances the coordination of transport within the meaning of Article 93 TFEU, supports the completion of TEN-T, facilitates investments, modal

shift, and integrates the port node into clean and digital logistics chains, all while maintaining legal certainty and reducing administrative burden.

Finally, the amendment secures competitive neutrality across the Union as well as with the rest of the world. By providing a uniform, notification-free pathway for superstructure investments that directly support port services, the GBER would minimise national disparities in approval practice and avoid selective advantages for jurisdictions willing or able to litigate bespoke notifications. It will restore level playing field with non-EU sea ports, barely facing the same artificial divide – if facing any State aid rules - and with which EU ports compete more and more directly. The measure is targeted, proportionate, and anchored in established GBER techniques for access, pricing, eligible costs, and dedicated-use exclusions, ensuring that the risk of undue distortion is controlled ex ante while enabling the very investments that EU law and strategy now require ports to make.

## Annex

### **Draft Amendment to Article 56b GBER and definitions of superstructures and access infrastructure**

#### **Article 56b – Aid for maritime ports**

1. Aid for maritime ports shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.
  - 1a. [unchanged]
  2. The eligible costs shall be the costs, including planning costs, of:
    - (a) investments for the construction, replacement or upgrade of port **infrastructures and superstructures**;
    - (b) investments for the construction, replacement or upgrade of access infrastructure;
    - (c) dredging.
  - 2a. [unchanged]
  3. Costs relating to non-transport-related activities, including industrial production facilities active in a port, offices or shops, shall not be eligible costs.
  - 4–12. [unchanged; to apply mutatis mutandis to superstructures as well as infrastructures].

#### **Explanatory note**

- ✚ The words “**and superstructures**” would be inserted in Article 56b(2)(a).
- ✚ Article 56b(3) is redrafted to delete the explicit exclusion of “port superstructures” while keeping the prohibition of non-transport-related activities.

- ✦ All other safeguards of Article 56b (financing gap, aid intensities, open access, procurement, transparency, dedicated use, claw-back, etc.) remain fully applicable to superstructures, ensuring proportionality and preventing overcompensation.
- ✦ Superstructures are indispensable to the achievement of EU policy goals as they enable the decarbonisation, digitalisation, and dual-use capability of ports, core objectives under the European Green Deal, TEN-T Regulation, and Sustainable and Smart Mobility Strategy, by allowing terminals to deploy green handling equipment, onshore power supply, and multimodal connectivity essential for a competitive, resilient, and climate-neutral transport system

### Definitions of access superstructures and access infrastructures

**“Port superstructures**, comprising all facilities, equipment, technological systems and associated human capital measures located within the port area that directly support the provision of port services, cargo handling, storage, logistics, energy supply, and digital operations, including but not limited to:

1. cargo handling equipment (such as cranes, straddle carriers, automated stacking systems, and related lifting gear),
2. storage and warehousing facilities (including silos for cereals and other bulk cargoes, container yards, cold storage, and logistics warehouses),
3. terminal access and control infrastructure (including terminal gates, security systems, and customs control facilities). Including equipment needed for passenger entry and exit points in cruise terminals, such as X-ray scanners, walk-through and handheld metal detectors, and biometric or RFID-based access control systems.
4. buildings and operational premises necessary for port services (including administrative buildings directly linked to port operations),
5. energy and environmental facilities (such as onshore power supply, alternative fuel bunkering, energy storage, hydrogen or other clean fuel infrastructure),
6. digital assets and smart port technologies (including automation systems, software platforms, decision support systems, sensors, data infrastructure, and cybersecurity systems),
7. training, reskilling and upskilling of staff directly related to the deployment, operation and maintenance of the above facilities, with a particular focus on new technologies, digital systems and green transition skills,
8. any related infrastructure or measures required to enable the efficient and sustainable operation of the above facilities.”

**Access infrastructure** could be further defined as follows:

“Access infrastructure means transport and utility connections located outside or at the perimeter of the port area, which ensure safe and efficient access to the port and integration with the wider transport and energy networks, including:

1. maritime access (channels, fairways, turning basins, locks, breakwaters and navigational aids),
2. land access (road and rail links connecting the port to the hinterland and to the trans-European transport network, intermodal terminals, and marshalling yards),
3. inland waterway connections directly serving the port,
4. utility access connections (electricity, water, gas, digital and telecommunications) linking the port to external grids and networks.”