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1 Scope of the document

The business strategies applied by the inland cargo ports in the Danube Region are the scope of this document and so is how efficiently they are implemented, related to the port management models employed all along the river. **When we use the term ‘ports’ in this document, it only means the inland cargo ports in the Danube Region. If a port is both a maritime and an inland cargo port, the activities shall be split between the inland and maritime port functions.** In order to ensure a balanced development of the Danube port sector and enable it to become a key element in the EU transport network, a clear analysis needs to be performed first with regard to the status-quo. This activity will deal with this topic by first assessing the current practices in the Danube region on the port management and operation models applied and providing for a SWOT analysis thereof. In order to present the port management models of European ports, the key definitions of port operation should be presented as follows.

1.1 General terms

In the context of the port management models of Danube cargo ports, the key definitions of port operation should be understood as follows according to the Commission Regulation (EU) 2017/1084 of 14 June 2017 as regards the aid for port and airport infrastructure.

1.1.1 Port and infrastructure / Definitions

Port

‘Port’ means an area of land and water made up of such infrastructure and equipment, so as to permit the reception of waterborne vessels, their loading and unloading, the storage of goods, the receipt and delivery of those goods and the embarkation and disembarkation of passengers, crew and other persons and any other infrastructure necessary for transport operators in the port.

Inland port

‘Inland port’ means a port other than a maritime port, for the reception of inland waterway vessels.

Port infrastructure

‘Port infrastructure’ means infrastructure and facilities for the provision of transport-related port services, for example berths used for the mooring of ships, quay walls, jetties and floating pontoon ramps in tidal areas, internal basins, backfills and land reclamation, alternative fuel infrastructure and infrastructure for the collection of ship-generated waste and cargo residues.

1. **Privatization:** Process of incorporating the private sector into the port operations, administration and investments.
2. **Concession:** Rent or leasing of existing facilities, equipment and infrastructure along with the right to grant services using those assets, and the right to charge for those

services. This includes the commitment to make specific investments to improve the quality and amount of those services in a long-term period.

3. **Canon:** Cost to the private agent by the use of facilities or services.
4. **Tariffs:** Fee charged to the users of the harbour facilities, for the utilization of the ports services.
5. **Employment agency:** Database that contains personal and professional information of people capable to carry out a determined task and that can be consulted by the employers according to their necessities.
6. **Stevedore Company:** is a company in charge to carry out cargo handling port operations. Generally, it holds an administrative concession granted by the corresponding port authority, which authorizes them to use, with exclusive character, a space located at wharf edge.

Port superstructure

'Port superstructure' means surface arrangements (such as for storage), fixed equipment (such as warehouses and terminal buildings) as well as movable equipment (such as cranes) located in a port for the provision of transport related port services.

2 Introduction of the Port Management Models

Main actors of port management and operation

The main terms defining the port management used in Romania are included in the legal framework.

The main regulating act in Romania is the *Government Ordinance no. 22/1999 concerning the ports and inland waterways administration*, the use of waterborne transport infrastructure belonging to the public domain and the carrying out of the naval transport activities in ports and on the inland waterways, with further completions and modifications.

The Ministry of Transport (MT) is the state authority in the field of the naval transport in Romania, which develops and coordinates the policy and programs for the development of the naval transport system. As a regulatory authority, MT develops and promotes the normative acts and specific rules on the safety of navigation, on the administration (management), use and concession of the naval transport infrastructure, on the carrying out of the naval transport activities in the Romanian ports and national inland waterways and ensures the fulfillment of the obligations of the state in the international agreements and conventions to which Romania is a party.

Port and/or waterway administrations

Port and/or waterway administrations are organizations responsible for the implementation of port policies and of port and waterway infrastructure development programs issued by the Ministry of Transport, as well as the available functionality of ports and waterborne transport

infrastructure, the management thereof and the monitoring or provision of safety services and the provision of ancillary activities.

Administrations fulfil the function of port and/or waterway authorities. Administrations may be organized as public institutions, autonomous agencies, national companies, or trading companies under the authority of the MT or under the authority of the local public administrations, depending on who owns the infrastructure.

For the ports where the port infrastructure belongs to the state the ports administration is established through Government Decision. This is the case for the main and the most Romanian ports.

For the ports where the port infrastructure belongs to the local public administration, the port administration is established through a Decision of the Local Council. If the port infrastructure belongs to a private entity, the port administration is a legal entity designated by the owner of the infrastructure. In this two cases the port administrations must be authorized by MT.

The main tasks of a port administration are:

- a) to ensure the repair, maintenance and upkeeping of the minimum technical characteristics of the waterborne transport infrastructure that has been conceded or entrusted to them for administration purposes;
- b) to provide the users with the waterborne transport infrastructure referred to under a) on a non-discriminatory basis, in accordance with the regulations in force;
- c) to monitor or ensure the permanent provision of security services;
- d) to keep a record of port workers carrying out ship loading / unloading, storage, stowage, packing, goods palletizing, ship cleaning and similar activities;
- e) to ensure coastal and floating signalling, as well as minimum depths in ports and waterways;
- f) to ensure open sea signalling in the port area, for which they can charge rates.

For the purpose of this national report we will refer only to the port administration established through a Government Decision and functioning under the MT authority.

Waterborne transport infrastructure

The waterborne transport infrastructure consists of the Romanian navigable waterways, the port infrastructure, maritime and inland waterways safety areas, locks, banks and slopes consolidation and protection, access fairways to the ports, technological roads and railways in ports or along the fairways. Ports are limited areas of the national territory, built and equipped for serving the ships, for performing the naval transport activities as well as other regulated activities.

Port infrastructure consists of port basins, port areas, hydrotechnical construction for mooring the ships, access fairways, roadstead, platforms, railways, technological roads,

The waterborne transport infrastructure belonging to the public domain may be:

- a) entrusted to public institutions or autonomous agencies for administration purposes;

- b) leased, according to the law, to administrations organized as trading companies or national companies;
- c) under concession, according to the law, to other Romanian or foreign private legal entities.

Ports

Ports are bounded areas of national territory located on the seashore or waterway, naturally or artificially protected against waves, winds, currents and ice, built and equipped in such a way as to allow the reception of, and shelter for ships, loading, unloading, transshipment, storing, receiving and dispatching of cargo by means of transport, as well as boarding and disembarking passengers.

A port includes all harbour area, land, hydro-technical constructions, access fairways, inner roadsteads, buildings, warehouses, platforms, railways, roads, facilities and equipment within its perimeter.

Ports are classified as follows:

- a) in terms of port land ownership:
 - 1. ports with an infrastructure belonging to the public domain;
 - 2. ports with an infrastructure that is privately owned;
- b) in terms of geographic location:
 - 1. seaports located on the seashore;
 - 2. ports along inland waterways;
- c) in terms of object of activity:
 - 1. commercial ports, mainly intended for goods and passenger commercial traffic;
 - 2. marinas, mainly for pleasure craft and boats;
 - 3. fishing ports, primarily intended for fishing vessels;
 - 4. military ports;
- d) in terms of access:
 - 1. ports open for public access;
 - 2. ports closed for public access.

The list of ports opened to the public access as well as their limits are established and approved by an order of the MT.

Ports administration has the obligation to elaborate a Port Regulation which is approved by MT.

The development of each port is based on a development plan, in line with the policy and development programs issued by the ministry or local public administrations.

The strip of land located along the sea shore or the navigable inland waterways over a 30-meter width measured from the edge of the water towards the interior of the land, irrespective of the type of ownership right over said land is regarded as safety area of the sea waters area or navigable waterway. In the case of variable level waters, the water edge is considered to be the mean water line. In justified cases, the Government may, on certain portions, decide to expand the width of the sea waters area or of the waterway.

The safety area of the sea waters or inland waterway area is intended for:

- a) the positioning of navigational marks and signals necessary for the safe navigation;
- b) access for surveillance and safe sailing interventions;
- c) providing good visibility of navigational marks and signals and for the safe navigation;
- d) providing conditions for the consolidation and protection of navigable waterways.

The land where ports, dams, quays, piers, other vessel mooring hydrotechnical structures, access routes to ports, technological roads and port railways are located that are part of the public domain may be leased, rent out in accordance with the legal provisions.

Ancillary activities

Ancillary activities related to waterborne transport activities include:

1. **safety services** in ports and on inland waterways, such as pilotage upon port entrance and exit manoeuvres, among berths of the same port and on waterways, mooring and unmooring operations, towage manoeuvres of seagoing vessels in ports;
2. activities related to **ship operation** such as: ship loading / unloading, storage, stowage, making fast, sorting, marking, palletizing, packing, containerization, bagging and other cargo-related operations, domestic and international expeditions, brokerage, cleaning cargo holds, bunkering, cleaning and degassing of ship tanks.

In order to have a better identification of the port users and related processes the services related to waterborne activities could be divided into:

Ship related services: pilotage, towage, mooring/unmooring, ship's repairs, ship supply, bunkering, cleaning and degassing of ship tanks, etc.

Cargo related services: loading/unloading, cargo handling, storage, sorting, marking, palletizing, packing, containerization, quality and quantity survey, etc.

The general definitions used for this study in order to have a common approach for entire project are presented hereunder.

Port owner

'Port owner' of a (public) port shall mean the owner / trustee of the port area. The area of a national public port shall be owned by the state or managed by a trustee company established by decisive state majority. There are also private ports.

Port manager

'Port manager' of a port shall mean a business company or organization responsible for keeping the entire port in a state suitable for proper operation, as well as for the coordinated operation and development thereof – as the owner of the port in case of a public port. The port managers' tasks shall be as follows:

- Tasks of operation, including:
 - organization, operation, and management of port logistics activities;

- organization, operation, and management of services operations within the port area;
- operation, upkeep, maintenance, and renovation of port facilities as specified in the contract;
- completion of environment protection tasks in the port;
- organization and operation of the logistics / information system of the port;
- Completion of tasks related to utilization contracts;
- Performance and management of development tasks, with particular regard to drawing up the principles of further port developments;
- Completion of marketing tasks.

The port managers may also own superstructures within the port area.

Port operator

A (public) port is most often operated by a business company. The 'port operator' shall be the owner of the floating establishment / port, and any party entitled to operate such floating establishment / port by contract or on any other title. In our wording, this may include the port owner, the port managers, as well as the port operators of the (public) port.

Public and Private Participation

There are no state-owned port operators in Romania, so all cargo is operated by private operators mainly having terminals with the land rented for periods from 1 to 10 years based on investments and other development criteria.

The cargo volumes operated during 2010 in the 6 relevant Romanian ports selected for this report (Constanța, Galați, Brăila, Tulcea, Giurgiu, Drobeta-Turnu Severin) amounted 60,206,880 tons. The operated volumes on different type of cargo are presented in Table 1.

1. Table: Cargo volumes operated in Romanian relevant ports (tons)

Tons per year	Private Ports	Terminals Concession-granted	Ports not given in concession
<i>Solid bulk cargo</i>			
Constanța			27,157,391
Galați			3,739,648
Brăila			2,410,366
Tulcea			2,375,122
Giurgiu			194,839
Drobeta-Turnu Severin			113,917

Total			35,991,283
<i>Liquid bulk cargo</i>			
Constanța			11,210,940
Galați		83,477	
Brăila			-----
Tulcea			-----
Giurgiu			17,140
Drobeta-Turnu Severin		238,447	
Total		321,924	11,228,080
<i>Containers</i>			
Constanța			5,887,879
Galați			-----
Brăila			-----
Tulcea			-----
Giurgiu			69,781
Drobeta-Turnu Severin			-----
Total			5,957,660
<i>General cargo</i>			
Constanța			3,307,669
Galați			3,028,000
Brăila			565,862
Tulcea			15,560
Giurgiu			94,473
Drobeta-Turnu Severin			18,293
Total			7,029,857

Port authority

The 'port authority' is the organisation responsible for the planning, authorisation, coordination and control of services within the port. In some instances, it also provides services.

The port landlord is the entity that owns the land on which the port is constructed and will usually own the essential infrastructure (e.g. the quays and breakwaters) as well. The port landlord is the entity exercising the ownership rights: therefore, it is the owner themselves or somebody entitled by the owner. Typically, the port authority is also the port landlord, although the landlord may be a separate entity.

Port service providers

In order to use a port, a range of intermediary services is often required, which can be provided by the port itself or by independent intermediary parties.

- Towing is a service provided by tug boats which move larger ships that either should not or cannot power themselves.
- Cargo-handling involves the movement of cargo in and around a port. This includes marshalling services (the receipt, storage, assembly and sorting of cargo in preparation for delivery to a ship's berth) and stevedoring services (the loading of cargo onto and discharging cargo from ships).
- Pilotage-assistance to maneuvering.

Commercial Disbursement

Commercial disbursement includes: cash management services, port cost solutions, port suppliers contract management.

In Romanian ports, no commercial disbursement services are provided by port administration. The ship agents prepare the disbursement account including the costs related to ship's stay in the port and require the appropriate amount from the shipowner. This service rarely includes negotiation with services providers.

No services related to E-customs, digitalization and automation, information-sharing platforms, communication & information exchange are provided in Romanian ports.

No clearness and transparency partnerships with the private sector are in place in Romania.

Port users

A wide range of customers make use of ports, including freight shippers, ferries, cruise ship operators and private vessels. Depending on the specific port, users may access different parts of the port. On the other hand the port users include the providers of cargo related services, such as port operators, freight forwarders, survey companies, etc.

End-customers

The ultimate users of port services are passengers or freight customers who consume a merchandise that has been shipped through a port. Freight forwarders are companies that specialise in arranging waterborne transport services for their customers and thus act as

intermediaries to the ultimate consumers of the freight goods. The area in which these customers are located is known as the port hinterland.

In order to better understand the particularities and specialties of different port management and operation models, in the Danube region countries, it is of high importance to analyse in detail how the operation and management structure is set up in the different inland cargo ports.

As defined in the previous chapter there are many different roles and thus actors in most of the ports that mostly define the given operation structure individually.

Public and Private Roles in Port Management: There are five main port management models based upon the respective responsibility of the public and private sectors. They include the public service port, the tool port, the landlord port, the corporatized port and the private service port. Each of these models concerns ports that have different characteristics concerning the ownership of infrastructure, equipment, terminal operation and who provides port services such as pilotage and towage. While service and tool ports mostly exist to promote public interests, landlord ports attempt to balance public and private interests. At the other end of the spectrum, private service ports are maximizing the interests of their shareholders.

- **Public service ports.** The port authority of public service ports performs the whole range of port related services, in addition of owning all the infrastructure. They are commonly a branch of a government ministry and most of their employees are civil servants. Some ancillary services can be left to private companies. Because of the inefficiencies they are related with, the number of public service ports has declined.
- **Tool ports.** Similar in every aspect to a public service port, the tool port differs only by the private handling of its cargo operations, albeit the terminal equipment is still owned by the port authority. In several cases, a tool port is a transitional form between a public service port and a landlord port.
- **Landlord ports.** Represents the most common management model where infrastructure, particularly terminals, are leased to private operating companies with the port authority retaining ownership of the land. The most common form of lease is a concession agreement where a private company is granted a long-term lease in exchange of a rent that is commonly a function of the size of the facility as well as the investment required to build, renovate or expand the terminal. The private operator is also responsible to provide terminal equipment so that operating standards are maintained.
- **Corporatized ports.** Concerns ports that have almost entirely been privatized, with the exception that ownership remains public and often assumed as a majority shareholder. The port authority essentially behaves as a private enterprise. This management model is unique since it is the only one where ownership and control are separated, which lessens "public good" pressures landlord port authority are facing and "shareholder value" pressures private ports are facing.

- **Private service ports.** The outcome of a complete privatization of the port facility with a mandate that the facilities retain their maritime role. The port authority is entirely privatized with almost all the port functions under private control with the public sector retaining a standard regulatory oversight. Still, public entities can be shareholders and thus gear the port towards strategies that are deemed to be of public interest.

2.1 Operation and management models in Romania

The main characteristics of the ports operation and management in Romania are presented in the Table 2

2. Table: Operation and management models in Romania

Name of port	Port (land) owner(s)	Port authority	Port manager(s)	Port operator(s)	Owner(s) of superstructure	Owner(s) of the port equipment	Who define(s) the tariffs of the port	Who is the provider of the different port services	Public service obligations if relevant
<i>Constanta</i>	State - Ministry of Transport	APM, ANR	APM, Private operators	Private operators	Private operators and APM (2 cranes in container terminal)	Private operators and APM (2 cranes in container terminal)	APM, ANR, Private operators, Port service providers	Ships and Cargo related services – Private companies, Port Service providers Use of port and navigation infrastructure – APM, ANR	Pilotage, towing, mooring/ unmooring, safety and security, lighting, VTS
<i>Galați</i>	State - Ministry	APDM ANR	APDM Private operators	Private operators	Private operators and APDM	Private operators	APDM, ANR, Private operators,	Ships and Cargo related services – Private	Traffic management

	of Transport						Port service providers	companies, Port Service providers Use of port and navigation infrastructure – APDM, ANR, AFDJ	
<i>Brăila</i>	State - Ministry of Transport	APDM ANR	APDM Private operators	Private operators	Private operators and APDM	Private operators	APDM, ANR, AFDJ, Private operators, Port service providers	Ships and Cargo related services – Private companies, Port Service providers Use of port and navigation infrastructure – APDM, ANR	Traffic management
<i>Tulcea</i>	State - Ministry of Transport	APDM ANR	APDM Private operators	Private operators	Private operators and APDM	Private operators	APDM, ANR, Private operators, Port	Ships and Cargo related services – Private companies,	Traffic management

							service providers	Port Service providers Use of port and navigation infrastructure – APDM, ANR	
<i>Giurgiu</i>	State - Ministry of Transport	APDF ANR	APDF Private operators	Private operators	Private operators, municipality and APDF	Private operators and APDF	APDF, ANR, Private operators, Port service providers	Ships and Cargo related services – Private companies, Port Service providers Use of port and navigation infrastructure – APDF, ANR	Traffic management
<i>Drobeta-Turnu Severin</i>	State - Ministry of Transport	APDF ANR	APDF Private operators	Private operators	Private operators and APDF	Private operators and APDF	APDF, ANR, Private operators, Port service providers	Ships and Cargo related services – Private companies, Port Service providers	Traffic management

								Use of port and navigation infrastructure – APDF, ANR	
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Note:

APM – CN Administrația Porturilor Maritime SA Constanța (the National Company “Maritime Ports Administration” of Constanta) – a joint stock company established by Government Resolution no. 517 / 1998 to act as port administration for Constanța and its maritime satellite ports (Mangalia, Midia, Tomis Marina)

ANR – Autoritatea Navală Română (the Romanian Naval Authority) – a public institution established by Government Resolution no. 1133/2002 having among responsibilities:

- ensuring and developing safety standards for navigation in Romanian ports,
- carrying out controls to prevent pollution from ships,
- monitoring ballast, bunker and waste disposal operations,
- investigation of pollution incidents from ships, developing an information and communication system integrated into international information exchange projects related to waterborne transport.

APDM – CN Administrația Porturilor Dunării Maritime SA Galați (by the National Company “Maritime Danube Ports Administration” – Galați) -a joint stock company established by Government Resolution no. 518 / 1998 to act as port administration for the Danube ports from Brăila to Sulina¹

¹ According to Ministry of Transports and Infrastructure Order no. 2 from 6th January 2015



APDF - CN Administrația Porturilor Dunării Fluviale SA Giurgiu (the National Company “Administration of Danube River Ports” – Giurgiu) – a joint stock company established by Government Resolution no. 520 / 1998 to act as port administration for Danube ports from Drobeta-Turnu Severin to Brăila

2.2 Analysis of the port management and operation model in

2.2.1 Characteristics of the operation models

Port of Constanta

The Port of Constanta serves both as a seaport and as a river port. The facilities provided by the Port of Constanta allow for the mooring of any type of river vessel.

The function of port authority for the Romanian seaports - Constanta, Midia and Mangalia and for the Tomis Marina is performed by the National Company “Maritime Port Administration” (CN APM SA) of Constanta. It offers quality and competitive port services to clients, a developed transport infrastructure, as well as environmental, security and safety conditions in the port area, encouraging and attracting cargo traffic and turning the port of Constanta into an important transit center.

The Port of Constanta is a port, the land of which is owned by the Romanian state, that also ensures the regulation and operation thereof through the tasks entrusted to, and accomplished by the *National Company “Maritime Ports Administration” of Constanta (APM) and the Romanian Naval Authority (ANR)* (the specialized technical body subordinate to the Ministry of Transport, through which the state authority in the field of navigation safety is exercised).

The *National Company “Maritime Ports Administration” of Constanta (APM)* was established on the grounds of *Romanian Government Decision No. 517/1998*, by reorganizing the former Autonomous Agency of Constanta Port Administration. Thus, the company provides the maintenance, repair and operation of state-owned public property goods along with the goods owned by the company, all the port services, the approval of port activities and the supply of port infrastructure as well as the allocation of other state-owned public property goods and goods owned by the company.

Romanian Government Decision No. 597/2009 amends and supplements the Romanian Government Decision of 1998, and highlights the company’s attributes regarding the transport infrastructure. The shipping infrastructure belonging to the state public domain is granted for concession to the Company by the Ministry of Transport, based on a lease contract, for administration purposes.

There are requirements according to which the Company has to maintain, repair, upgrade and develop the shipping infrastructure that has been leased to it, which is made available to all users in a free and non-discriminatory manner. An important addition to said resolution of 1998 is to keep a record of port workers carrying out port-specific activities.

These Government Decisions set out the attributes and obligations pertaining to the company’s role as port authority through its capacity as port administration and / or free zone. Thus, the company implements the port policies developed by the Ministry through the implementation of maritime port infrastructure development programs, while also designing port development plans.

In order to ensure that port functions are complied with, the company has to coordinate the port traffic (establishing with ship operators the ship loading / unloading schedules and the

ship operation priority line), to determine the vessel arrival order at seaports and the allocation of berths while also providing pilotage and towing services. It is also important to monitor the ship and cargo traffic in ports for the centralization and publication of data with respect to the number of ships in transit, the volume of transited goods, the volume of operated cargo, the port of loading / unloading and the number of operated ships or the operation rules.

The company provides signalling activities: coastal and floating signalling for navigation in seaports and sea access waterways, signalling in the open sea in the ports of Constanta, Mangalia and Midia and in the Tomis Marina, or signalling, maintenance and lighting of traffic routes, walkways and port entrances. The company shall carry out dredging works to permanently ensure minimum depths in port basins and berths, as well as the development of annual maintenance and repair programs. It shall provide anti-pollution dams upon operation of oil product ships or oil tankers in specific terminals, fire-fighting onshore and on board vessels as well as on floating facilities in ports and it shall collect waste and wastewater, and household waste from ships. It establishes the manner of goods storage in seaports so as not to affect the safety of port infrastructure, port security and vessel operation.

Regarding the form of ownership, it should be noted that initially the shares were divided between the Romanian state (through the Ministry of Transports, which owns 80% of the shares) and the SC "Fondul Proprietatea" – SA ("Property Fund Co.") (holding shares that stand for the rest of 20%).

The cargo and ship services in the Port of Constanta are mainly supplied by private companies in a competitive environment where free market principles apply. The activities of loading / unloading of ships as well as the operation of river vessels, with transshipment directly on barges, are provided by *private companies / private operators* that provide transfer of freight. Thus, solid or liquid bulk goods, general cargo or containers are operated in the port. The Port of Constanta is in the top European ports operating solid bulk. Solid bulk is represented in the Port of Constanta mainly by grains, ferrous and non-ferrous ores, coal and coke. These goods are operated in specialized terminals located in the vicinity of the river-and-sea basin, where both seagoing vessels and river ships can be operated.

The largest part of the *port superstructure* is owned by port operators, but the Maritime Ports Administration still owns a number of buildings and platforms in its property that they rent out. As far as the *ownership of port equipment* is concerned, it should be noted that it is still the property of port operators, but there is an exception for the Constanta South Container Terminal (CSCT), a port operator that rents two pieces of container handling equipment from the Maritime Ports Administration.

Regarding the *tariffs* established for the Port of Constanta, we have to specify that these are set by:

- CN APM SA Constanta, which applies basic port tariffs (port access tariff, mooring rate or basin tariff), single tariffs for the use of port infrastructure by certain categories of ships (auxiliary ship tariffs, inland navigation ship tariffs, fishing vessels tariffs, decommissioned/abandoned ship tariffs or basin usage tariffs for LPG tankers), Special Tariffs (Safety and Security Charges During Vessel Operation or Temporary Scanner Use Tariff) or Tariffs for Utility and specific port services;

- the Romanian Naval Authority on the basis of the Minister's Order, tariffs for the registration of ships, inspections and certification of ships, inspections of dangerous goods, seafarers or PSC or SAR services;

- specialized and authorized economic operators offering safety services which are accepted by the clients as: pilotage rates and towage rates.

Regarding the *service providers* in the port of Constanta, we shall mention:

- services provided by port operators carrying out authorized activities;

- port services provided by Ordinance no. 22/1999 (regarding the administration of the ports and waterways, the use of the public transport infrastructure in the public domain, as well as the carrying out of the naval transport activities in ports and inland waterways), with respect to:

- the transport of goods and / or persons by ships;
- ancillary waterborne transport services: including port and inland waterways security services or ship operations such as ship loading / unloading, storing, stowage, mooring, sorting, marking, palletizing, packing, containerization, bagging and other cargo-related activities;
- waterborne transport infrastructure maintenance activities, such as:
- upkeep and repair of waterborne transport infrastructure, terrestrial and floating signalling for navigation, maintenance dredging to ensure port and waterways depths, assistance to ships in the operation of dangerous goods, taking over waste and sewage from ships, the collection of garbage and household waste from ships.

- Public services provided by the Romanian Naval Authority regarding: port state control, coordination of search and rescue operations of human lives at sea, coordination of the oil pollution response, fire fighting etc.

Ports administered by APDM (Galați, Brăila, Tulcea)

The Port of Galati is the largest river and sea port on the Danube and the second largest port after the port of Constanta. It has a total area of 864,131 square meters, and the activities are provided with two port basins (Docks and the New Basin). The port of Galati has an annual operating capacity of about 4 million tons, operated in 56 berths. The access to the port is made by road (it allows both the transit of standard and oversized goods), railway and river (access can be achieved by barges, river and seagoing vessels of max. 8,000 tdw).

The Port of Braila is one of the largest Romanian river ports, located in the city of Braila on the Danube, from km 175 to km. 167 both shores. It has a total area of 398,630.13 square meters, and activities are provided with one port basin. The port of Braila has an annual operating capacity of about 2.2 million tons, served by 25 berths.

The Port of Tulcea is one of the largest and most important Romanian river ports. Situated in the city of Tulcea, between Mm 42- Mm 34 Danube, both shores, including the industrial and commercial sectors. It has a total area of 82,762 square meters, an annual operating capacity of about 2.5 million tons, served by 41 berths.

The role of port authority for the Romanian seaports Galati, Braila, Tulcea for the river ports: Harsova, Isaccea, Mahmudia and for the secondary arms of the Danube i.e. Macin, Chilia and Sf. Gheorghe is provided by the National Company “Maritime Danube Ports Administration” - Galati. The company performs the port authority’s role in ports the infrastructure of which was granted to the company by the Romanian state, which also performs the role of free zone administration for the land belonging to the public domain on which the free zone regime was established (according to Government’s Decision no. 1908/2006).

Thus, the ports of Galați, Braila, Tulcea are public ports owned by the Romanian state, which ensure their regulation and functioning through the tasks entrusted to, and accomplished by the *National Company of Maritime Danube Ports Administration Galati*.

Initially, in 1991 *Government’s Decision No. 19* established administrations operating as autonomous agencies and joint stock companies in the shipping sector, such as the autonomous agency “of Maritime Danube Ports Administration” Galați, approved and modified by Law no. 207/1997. The activity object of the agency was to manage the entire infrastructure of the ports on the maritime Danube between Braila and Sulina and a part of the superstructure, to maintain depths, to coordinate port traffic, to carry out sanitation activities, to provide signaling and beacons etc. This Autonomous Agency was established in 1998, when the National Company “Maritime Danube Ports Administration” – Galati was established by Romanian Government’s Decision No. 518

Government’s Decisoin No. 222 of 22nd February 2003 amended and supplemented Government’s Decision no. 518/1998 regarding the establishment of the National Company “Maritime Danube Port Administration” - Galati. Thus, the National Company APDM Galați was organized and has performed the role of port authority in Galați, Tulcea, Brăila, Isaccea, Macin, Chilia Veche, Mahmudia, Smardan, Hârșova, at Gura Arman and Turcoaia located in the activity area of the company.

The Government Decision modifies the Company’s scope of activity, thus introducing the requirement for ship assistance on the operation of dangerous goods, such as the carrying out of control activities involving (the allocation of berths in which ships are to operate and the issue of the berthing permit in these berths on the grounds of the port entrance acceptance issued by port master’s offices, record of cargo traffic in port, centralization of data regarding the volume of operated cargo, port of loading / unloading of goods, number of ships operated and operating rules as well as annual publication of such data, monitoring of economic operators transporting or operating dangerous goods in navigable national waters or in ports in its activity area, keeping record of port workers and issuing work permits in port).

Subsequently, Government’s Decision no. 598/2009 amended and supplemented Government’s Decision no. 518/1998 regarding the establishment of the National Company “Maritime Danube Port Administration” - Galati. It introduced elements according to which the company may establish or close subsidiaries on the territory of Romania or abroad: branches, agencies, representations and other such units without legal personality, by decision of the extraordinary general assembly of the shareholders.

Government Decisions set out the duties and obligations pertaining to the company’s role of port authority through its capacity as port and / or free zone management. The company's responsibilities include shipping by maintaining, upkeeping and securing the minimum

technical characteristics of the concession-owned shipping infrastructure, terrestrial and floating signaling for sailing or maintenance dredging to ensure depths in ports and waterways. National Company APDM provides assistance to ships on the operation of hazardous goods, collects waste and sewage from ships, garbage and household waste of ships, as well as provides leisure craft services or ship salvage operations.

The National Company “Maritime Danube Port Administration” - Galati has responsibilities related to the safety services related to the allocation of berths in which the vessels are to operate or the record of cargo traffic in the port and the centralization of data on the volume of operated cargo, the port of loading / unloading the number of ships operated and operating rules, as well as the annual publication of these data. It also concludes lease or concession contracts for the shipping infrastructure, develops tariffs and provides services with machines, equipment, vessels and their own facilities.

Regarding the form of ownership, it should be noted that initially the shares of the National Company “Maritime Danube Port Administration” – Galati were owned entirely by the Romanian state exercising its rights and obligations through the Ministry of Transports (according to Government’s Decision no. 518 of 1998 and no. 222 of 2003).

The services for goods and ships in the ports of Galati, Braila and Tulcea are mainly provided by private companies, in a competitive environment, where the free market principles apply. The ship loading / unloading activities as well as the operation of river vessels, with transshipment directly onto barges, are provided by private companies / private operators that provide transfer of freight.

The port superstructure of the Company’s infrastructure is owned by port operators. As far as ownership of port equipment is concerned, it should be noted that these are still the property of port operators.

Regarding the *tariffs* established for the Ports of Galati, Braila and Tulcea, we have to specify that these are set by:

- The National Company APDM Galați which applies the port charges for the use of the waterborne transport infrastructure quay tariffs, port infrastructure access tariffs, accommodation tariffs for use of the APDM pontoons, permanent quay accommodation tariff in the areas: Galati, Braila and Tulcea); port service charges specific to the environmental services (tariff for the domestic sewage water collection service, transfer / bunker assistance for oil and oil products, tariff for the collection of ship-generated waste, packing, transport and disposal of hazardous waste from ships), port supply tariffs (drinking water and power supply), pilotage tariffs, tariffs for hydrographic services, and tariffs for the supply of property goods.

Regarding the *service providers* in the ports of Galati, Braila and Tulcea, we shall mention:

- services provided by port operators carrying out authorized activities;
- port services provided by Ordinance no. 22/1999 (regarding the administration of the ports and waterways, the use of the public transport infrastructure in the public domain, as well as the carrying out of the waterborne transport activities in ports and inland waterways), with respect to services provided by the National Company “Maritime Danube Port Administration” - Galati:

- the transport of goods and / or persons by ships;
- ancillary waterborne transport services: including port and inland waterways security services or ship operations such as ship loading / unloading, storing, stowage, mooring, sorting, marking, palletizing, packing, containerization, bagging and other cargo-related activities;
- waterborne transport infrastructure maintenance activities, such as: upkeep and repair of waterborne transport infrastructure, coastal and floating signalling for navigation, maintenance dredging to ensure port and inland waterways depths, assistance to ships in the operation of dangerous goods, waste and sewage collection from ships, the collection of garbage and household waste from ships.

Ports administered by APDF (Giurgiu, Drobeta-Turnu Severin)

The Giurgiu River Port is one of the largest Romanian river ports located on the Danube about the km 493 area and it allows for the mooring of barges up to max. 2,000 tons. The total area of the port enclosure is 59 ha, of which 70,000 sqm are built upon and the main operated cargoes are bulk goods, general merchandise, grains and oil products, ensuring an annual operating capacity of about 800,000 tons, being serviced by 52 berths. The port of Giurgiu is deployed in three locations: the Ramadan sector - with Danube mooring facilities at the Danube along approx. 750 meters, the Plant basin - with mooring fronts with a total length of 740 m and the Veriga basin - where there is an important shipyard with a syncrolift for 5000 t vessels, fitting out quays, production and repair shops, equipment and facilities etc. It is now incorporated in the Giurgiu Free Zone.

The Drobeta-Turnu Severin River Port is located on the left bank of the Danube, in the km 931-933 area, in the reservoir lake - the Iron and Gates II Hydropower and Navigation Complex and 493 and allows the mooring of barges up to max. The total surface area of the port area is 137,592.11 square meters and the main goods are general merchandise, laminate, ores, fertilizers, cereals or coal, providing an annual operating capacity of about 750 thousand tons, being served by 7 berths.

The Drobeta-Turnu Severin River Port is located on the left bank of the Danube, in the km 931-933 area, in the reservoir lake - the "Iron and Gates II" Hydropower and Navigation Complex and at km 493 and allows for the mooring of barges up to max. 3,000 t. The total surface area of the port area is 137,592.11 square meters and the main operated cargoes are general goods, laminates, ores, fertilizers, grains or coal, providing an annual operating capacity of about 750 thousand tons, being served by 7 berths.

The role of port authority for the Romanian seaports Giurgiu and Drobeta-Turnu Severin is performed by the National Company "Administration of Danube River Ports" - Giurgiu. The company performs the function of port authority in its area of activity, within the limits of the port land, the limits of the roadsteads and for the ship transport infrastructure, established by the Ministry of Transport, according to the law.

Thus, the ports of Giurgiu and Drobeta-Turnu Severin are public ports owned by the Romanian state, which ensures their regulation and functioning through the tasks entrusted to, and accomplished by the *National Company Administration of Danube River Ports Giurgiu*.

Initially, in 1991, *Government's Decision No. 19* established administrations operating as autonomous agencies and joint stock companies in the shipping sector, such as the autonomous agency "Administration of Danube River Ports – Giurgiu" (A.P.D.F.). The activity object of the agency was to manage, to maintain the functionality, development and modernization of the entire infrastructure of all river ports from Braila (exclusively) to Bazias (inclusively) and of the superstructure of the industrial ports of Calarasi and Pirjoaia, as well as to upkeep port basins and ways of access, water and power supply or the centralized coordination of the informational system in the entire activity area of the administration.

Subsequently, *Government's Decision No. 520/1998* provided the establishment of the National Company "Administration of Danube River Ports – Giurgiu by reorganizing the former Autonomous Agency of "Danube River Ports Administration" (approved and amended by Law no. 207/1997) Giurgiu, to be later dissolved. In 2003, *Government's Decision No. 384* amends and supplements *Government's Decision No. 520/1998* regarding the establishment of the National Company "Administration of Danube River Ports" – Giurgiu. This Decision attested that the Administration performed the role of port authority in the ports of Cernavoda, Calarasi, Oltenita, Giurgiu, Corabia, Bechet, Calafat, Drobeta-Turnu Severin, Orsova, Moldova Veche, Chiciu, Ostrov, Rast, Cetate, Gruia, Tisovita, Dubova, Svinita, Drencova, Bazias, located in the activity area of the company.

The Decision modified the Company's scope of activity and introduced the paragraph regarding the vessel priority line for port entrance, the allocation of berths in which ships are to operate and the issue of the berthing permit in these berths on the grounds of the port entrance acceptance issued by port master's offices, record of cargo traffic in port, data centralization regarding the volume of operated cargo, port of loading / unloading of goods, number of ships operated and operating rules as well as annual publication of such data, monitorisation of economic operators transporting or operating dangerous goods in navigable national waters or in ports in its activity area, keeping record of port workers and issuing work permits in port.

Government's Decision no. 596/2009 amended and supplemented *Government's Decision no. 520/1998* regarding the establishment of the National Company "Administration of Danube River Ports" – Giurgiu. Beside other company attributes, it specified that the company may establish or close subsidiaries on the territory of Romania or abroad: branches, agencies, representations and other such units without legal personality, by decision of the extraordinary general assembly of the shareholders.

In its capacity as port authority the company implements the port policies and port and waterways infrastructure development programs developed by the Ministry of Transport, provides port and shipping infrastructure functionality, management and record thereof and / or safety services on the grounds of concession and/or representation contracts concluded the Ministry of Transport, ancillary shipping activities and other activities specified in the object of activity in accordance with the legal provisions in force. In its activity area, it also ensures fulfilment of the state obligations according to the international agreements and conventions to which Romania is a party.

The National Company "Administration of Danube River Ports" – Giurgiu shall provide dredging works to ensure minimum depths, coastal and floating signaling for navigation in

ports and sea access waterways, coordinate port traffic in busy time periods, establishing with ship operators the ship loading / unloading schedules and the ship operation priority line.

Regarding the form of ownership, it should be noted that initially the shares of the National Company “Administration of Danube River Ports” – Giurgiu were initially owned entirely by the Romanian state exercising its rights and obligations through the Ministry of Transports (according to Government’s Decision no. 520/1998 and no. 284/2003), and then they were divided (according to Government’s Decision no. 596/2009) between the Romanian state (through the *Ministry of Transports*, which owns 80% of the registered capital and of the company profit or loss) and the SC “*Fondul Proprietatea*” – SA (“Property Fund Co.”) (holding shares that stand for the rest of 20%).

The services for goods and ships in the ports of Giurgiu and Drobeta-Turnu Severin are mainly provided by private companies, the ship loading / unloading activities as well as the operation of river vessels, with transshipment directly onto barges, are provided by *private companies / private operators* that provide transfer of freight.

Regarding the *tariffs* established for the Ports of Giurgiu and Drobeta-Turnu Severin, we have to specify that these are set by:

- The National Company APDF Giurgiu which applies the port charges for the use of the waterborne transport infrastructure (quay tariffs, basin tariffs, port infrastructure tariffs for passenger ships), port services tariffs (mooring and accommodation tariff for using the APDF pontoons, port supply tariffs (drinking water and power supply, drains maintenance tariffs), port service charges specific to the environmental services or port tariffs applicable for the use of access roads into the port.
- specialized and authorized economic operators, offered by the port service providers or specialized companies and accepted by the clients.

Regarding the *service providers* in the ports of Giurgiu and Drobeta-Turnu Severin, we shall mention the services directly provided by APDF or by means of concession to the specialized operator. These services regard:

- the transport of goods and / or persons by ships;
- ancillary waterborne transport services: port and inland waterways security services or ship operations such as pilotage upon port entrance/exit, between berths of the same port, mooring and unmooring of ships, manoeuvre towage in ports; ship operation activities: ship loading / unloading, storing, stowage, mooring, sorting, marking, palletizing, packing, containerization, bagging and other cargo-related activities; domestic and international shipments, brokerage, cargo hold cleaning, bunkering, tank stripping and degassing operations
- ancillary waterborne transport activities including: waterborne transport infrastructure maintenance activities, such as: upkeeping and repair of waterborne transport infrastructure, terrestrial and floating signalling for navigation, maintenance dredging to ensure port and inland waterways depths, specialized vessel interventions in depollution operations, assistance to ships in the operation of dangerous goods, taking over waste and sewage from ships, the collection of garbage and household waste from ships.

- other activities, such as: carrying out waterborne transport-specific hydrotechnical engineering, diving works, monitoring unmanned ships, services for leisure craft, extraction dredging, water supply, electric and thermal energy, assistance, rescue and ship heave off, ship repairs, ship supply.

2.2.2 Nature and content of the contractual relationships

Port of Constanta

The contractual relations developed in this context between the main actors pertaining to, and regulating the port activity are concluded as follows:

- between the Ministry of Transport and Infrastructure and the National Company “Maritime Port Administration” - Constanța concession contracts;
- between the National Company “Maritime Port Administration” - Constanța and third parties for the use of port infrastructure, in a free and non-discriminatory manner, through lease agreements, sub concession agreements or concession contracts for works and / or services;
- between the National Company “Maritime Port Administration” - Constanța and third parties for renting APDM own assets;
- between port and maritime or inland waterway operators or among operators through service contracts.

Ports administered by APDM (Galați, Brăila, Tulcea)

The contractual relations developed in this context between the main actors pertaining to, and regulating the port activity are concluded as follows:

- between the Ministry of Transport and the National Company “Maritime Danube Port Administration” - Galati through concession contracts;
- between the National Company “Maritime Danube Ports Administration” - Galati and third parties for the use of port infrastructure, in a free and non-discriminatory manner, through lease agreements, sub concession agreements or concession contracts for works and / or services;
- between the National Company “Maritime Danube Ports Administration” - Galați and third parties for renting APDM own assets;
- between port and seagoing or river vessel operators or among operators through service contracts.

Ports administered by APDF (Giurgiu, Drobeta-Turnu Severin)

The contractual relations developed in this context between the main actors pertaining to, and regulating the port activity are concluded as follows:

- between the Ministry of Transport and the National Company “Administration of Danube River Ports” – Giurgiu through concession contracts;

- between the National Company “Administration of Danube River Ports” – Giurgiu and third parties for the use of port infrastructure, in a free and non-discriminatory manner, through lease agreements, sub concession agreements or concession contracts for works and / or services;
- between the National Company “Administration of Danube River Ports” – Giurgiu and third parties for renting APDF’s own assets;
- between port and seagoing or river vessel operators or among operators through service contracts.

2.2.3 Rules and legislation

Port of Constanta

The general legal framework underlying the operations carried out in the port is defined by:

- Ordinance no. 22/1999 regarding the administration of the ports and waterways, the use of the waterborne transport infrastructure belonging to the public domain, as well as the carrying out of waterborne transport activities in ports and inland waterways;
- Government Decision no 517/1998 for establishing of the National Company Maritime Ports Administration Constanta, with further modifications and completions;
- The port regulations of the Romanian seaports under the administration of the National Company “Maritime Port Administration” - Constanta in 2012;
- National rules and regulations that are verified by authorities such as the Constanta Customs Regional Directorate, the National Environmental Guard - Constanta County Commissar’s Office, the Constanta Port Quarantine Inspector’s Office, the Coast Guard, the Constanta Regional Transport Police Department, the National Sanitary Veterinary and Food Safety Authority;
- The international convention legal framework: the Convention on the Facilitation of International Maritime Traffic, the International Standards for the safety of ships, pollution prevention and safety of work and life on board seagoing ships under a foreign flag using the Romanian seaports or offshore installations operating on or above the Romanian continental shelf, the International Convention on Civil Liability for Oil Pollution Damage, the International Convention for the Safety of Containers, the International Convention for the Safety of Life at Sea or the International Code for the Security of Ships and Port Facility.

Ports administered by APDM and APDF (Galați, Brăila, Tulcea, Giurgiu, Drobeta-Turnu Severin)

The general legal framework underlying the operations carried out in the port is defined by:

- Ordinance no. 22/1999 regarding the administration of the ports and waterways, the use of the waterborne transport infrastructure belonging to the public domain, as well as the

carrying out of waterborne transport activities in ports and inland waterways, with further modification and completions;

- The port regulations of the Romanian seaports and river ports under the administration of the National Company “Maritime Danube Ports Administration” - Galați/Brăila/Tulcea;
- The Regulation regarding the employment on board vessels owned by the National Company “Maritime Danube Ports Administration” – Galați, October 2017
- Navigation rules in ports and berths in accordance with Government’s Ordinance 42/1997 regarding maritime transport on sea and inland waterways;
- Rules imposed by the Romanian Naval Authority on Navigation Surveillance, Coordination and Control;
- Rules imposed by the Border Police, a state authority exercising control of the persons on board ships;
- Rules imposed by the General Customs Directorate, the authority competent to carry out customs formalities;
- Rules meant to restrict or prohibit navigation in certain areas, established by the Port Master’s Office or AFDJ.

2.2.4 Relevance of Regulation (EU) 2017/352

Regulation (EU) 2017/352 was issued in 2017 after several years of preparation and consultation with various stakeholders of the European port industry. This regulation has a binding force only on maritime ports, the inland ports are not covered by the legislation. However, rules similar to those laid down in this legal act, might have relevance in the IWW sector. As part of this activity, we would like to assess the scale and scope of applicability of these rules for Danube ports in the participating countries.

For this purpose, this report evaluates of applicability of Regulation (EU) 2017/352 - specific to maritime ports – for inland freight ports of Romania.

3. Table: Applicability of Regulation (EU) 2017/352 in Romania

Regulation (EU) 2017/352	Regulatory item	Answer	Comments
Article 4 (1)	<i>“According to the regulation the managing body of the port, or the competent authority, may require providers of port services, including subcontractors, to comply with minimum requirements for the performance of the corresponding port service.”</i>	Partially	Only for pilotage (Port of Constanta and the maritime Danube) and towage (Constanta Port) only
Article 4 (2)	In your country are there any minimum criteria determined by the managing	Partially	Only for pilotage (Port of Constanta

	body of the port, or the competent authority regarding to the following: (a) the professional qualifications of the provider of port services, its personnel or the natural persons who actually and continuously manage the activities of the provider of port services;		and the maritime Danube) and towage (Port of Constanta) only
Article 4 (2)	(b) the financial capacity of the provider of port services;	No	
Article 4 (2)	(c) the equipment needed to provide the relevant port service in normal and safe conditions and the capacity to maintain this equipment at the required level;	Partially	Only for pilotage (Port of Constanta and the maritime Danube) and towage (Port of Constanta) only
Article 4 (2)	(d) the availability of the relevant port service to all users, at all berths and without interruptions, day and night, throughout the year;	Yes	
Article 4 (2)	(e) compliance with requirements on maritime safety or the safety and security of the port or access to it, its installations, equipment and workers and other persons;	Yes	Security related to maritime ships only (Constanta, Galati, Braila, Tulcea)
Article 4 (2)	(f) compliance with local, national, Union and international environmental requirements;	Yes	
Article 4 (2)	(g) compliance with obligations in the field of social and labour law that apply in the Member State of the port concerned, including the terms of applicable collective agreements, manning requirements and requirements relating to hours of work and hours of rest for seafarers, and with applicable rules on labour inspections;	Yes	
Article 4 (2)	(h) the good repute of the port service provider, as determined in accordance with any applicable national law on good repute, taking into consideration	No	

	any compelling grounds to doubt the reliability of the provider of port services.		
Article 4 (3)	Does a flag requirement exist for waterborne vessels predominantly used for towage or mooring operations in ports located on its territory?	No	
Article 4 (4)	Shall the minimum requirements: (a) be transparent, objective, non-discriminatory, proportionate, and relevant to the category and nature of the port service concerned;	Yes	
Article 4 (4)	(b) be complied with until the right to provide a port service expires?	Yes	
Article 4 (5)	Where the minimum requirements include specific knowledge of local conditions, shall the managing body of the port, or the competent authority ensure adequate access to information, under transparent and non-discriminatory conditions?	Yes	
Article 5 (1)	Shall the managing body of the port, or the competent authority treat providers of port services in a transparent, objective, non-discriminatory and proportionate manner?	Yes	
Article 5 (1)	Shall the managing body of the port, or the competent authority grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within a reasonable period?	Yes	
Article 5 (1)	If yes, shall any such refusal, by the managing body of the port, or by the competent authority, be duly justified?	Yes	
Article 5 (1)	or shall any limitation or termination by the managing body of the port, or the competent authority, of the right to provide a port service be duly justified?	Yes	

Article 6 (1)	<p>May the managing body of the port, or the competent authority limit the number of providers of port services for a given port service for one or more of the following reasons:</p> <p>(a) the scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with the decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law;</p>	Yes	
Article 6 (1)	<p>(b) the absence of such a limitation is obstructing the performance of public service obligations as provided for in Article 7, including when such absence leads to excessively high costs related to the performance of such obligations for the managing body of the port, the competent authority, or the port users;</p>	Yes	
Article 6 (1)	<p>(c) the absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations;</p>	Yes	
Article 6 (1)	<p>(d) the characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible;</p>	Yes	
Article 6 (1)	<p>(e) where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or subsector, together with its port services, within a Member State carries out an activity that is directly exposed to competition in accordance with Article 34 of that Directive. In such cases, shall paragraphs 2 and 3 of this Article not apply?</p>	Yes	
Article 7 (1)	<p>May the Member States decide to impose public service obligations related to port services on providers of</p>	Yes	

	port services and may entrust the right to impose such obligations to the managing body of the port, or to the competent authority, in order to ensure at least one of the following: (a) the availability of the port service to all port users, at all berths, without interruption, day and night, throughout the year;		
Article 7 (1)	(b) the availability of the service to all users on equal terms;	Yes	
Article 7 (1)	(c) the affordability of the service for certain categories of users;	Yes	
Article 7 (1)	(d) the safety, security or environmental sustainability of port operations;	Yes	Security related to maritime ships only (Constanta, Galati, Braila, Tulcea)
Article 7 (1)	(e) the provision of adequate transport services to the public; and	Yes	
Article 7 (1)	(f) territorial cohesion?	Yes	
Article 7 (1)	Beside the above mentioned is there any rule or regulation concerning the following fields regarding the inland cargo ports in your country?	Yes	
Article 9	Safeguarding of employees' rights	Yes	
Article 11	Transparency of financial relations	Yes	
Article 12	Port service charges	Yes	
Article 13	Port infrastructure charges	Yes	
Article 14	Training of staff	Yes	
Article 15	Consultation of port users and other stakeholders	No	
Article 16	Handling of complaints	Yes	

2.3 SWOT – analysis of Port Management Models

The landlord and corporatized port management models are closely related each other, as may be seen in chapter 2.

The Romanian port administrations used to be agencies and now they are national companies and important steps have been made to the corporatized port management model.

The actual specific characteristics of these organizations lead to the conclusion that in Romania the corporatized port administration model is applicable for all maritime or inland water ports, even if there are in place some characteristics of a landlord port model.

These characteristics include:

- Port administrations still have responsibilities to act as port authority (e.g. issuing the *Document of compliance* with ISPS Code on behalf of Romanian Government)
- The role of port administrations in design of legal framework in the ports, as well as in assurance of compliance with the defined requirements.

There are some other small deviations from the characteristics specific to the corporatized model but they are not relevant for this study.

2.3.1 SWOT analysis of corporatized model for port management

4. Table: SWOT analysis of port management corporatized model

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> ▪ Competitiveness of services being provided by private companies ▪ Flexibility in superstructure investments for private operators ▪ Availability of structured marketing at port level coordinated by port administration ▪ Mixed private-public orientation ▪ Agility – high level of market orientation ▪ Stability of commercial relationships with supply chain stakeholders 	<ul style="list-style-type: none"> ▪ Lack of infrastructure investments in case of reduced public funds ▪ Reduced competitiveness in case of dynamic increase of land rental rates ▪ Risk in evaluation of needs for capacity development
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> ▪ Use of public funds in development of infrastructure (including funding through European projects) 	<ul style="list-style-type: none"> ▪ Exposure to less predictability of legal framework regarding the use of the public infrastructure

<ul style="list-style-type: none"> ▪ Involvement of private operators in providing input for future infrastructure development ▪ Port operators may establish their own operating rules and market-oriented procedures ▪ Development of networking among supply chain actors 	<ul style="list-style-type: none"> ▪ Limited period in renting contracts may not encourage long term investments ▪ Administrative procedures of port related institutions
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2.4 Potential success factors

The landlord port management model has been implemented in Romania since 1991, when the port administrations were created at the same time with the major part of important port operators. But lately in 1998 the port administrations started the changes towards corporatized model.

Even if the Port of Constanta is also an inland water port, the major part of cargo operated here is related to maritime trade. The competition with other maritime ports and its role as the main gate of the Romanian international trade for a long period of time have been opportunities to develop important infrastructure projects and to reach a high level of organizational culture.

The connection with the European inland waterways network through the Danube-Black Sea Canal proved to be a key element in port development and that is why the management of the Port of Constanta established adequate strategies to address this opportunity to enlarge its hinterland.

On the other hand, the Port of Galați is connected to an important urban area and close to a hinterland with high potential for development. This port has proved to be proactive in finding adequate solutions for development on a very competitive market.

Due to the results already achieved by the two ports and clear development strategies, the success factors and best practices included in this report are mainly related to them.

Anyhow, the short distance from Bucharest to the Port of Giurgiu is giving to this port the chance for to be one with a very dynamic development in the future.

2.4.1 Success factor 1: Networking with other ports

Addressing other ports to create a network is a feature of four-generation ports that understand the importance of multiplying efforts to create partnerships that lead to increased co-operation between port communities of ports being on the same trading route.

Having in view practices of other maritime ports and understanding the importance of the Danube in its development, the Port of Constanta has developed networking events in other ports on the Danube. It is easy to notice the very high growth of grain traffic and the development of business among the port actors from these ports.

There are some indicators to be taken into consideration such as: river traffic growth, increasing private investments in port superstructure, developing new business among ports users.

In the data collected and published by the port administration we can observe the changes in the values of the above mentioned indicators².

This is considered as success factor for the port administration model since one of the important steps to move from the landlord port model to corporatized port is the increasing the role of the port administration in improving the port performance including the expanding of port hinterland and commercial results.

The organization of the networking events proved the role of port administration in marketing process having in view the corporatized port specific to have a broad mandate to develop the port complex and attract new customers.

For details please see chapter 3.1.

2.4.2 Success factor 2: Improvement of hinterland connection

The development of hinterland connections is a continuous challenge for every port. Romania has hardly succeeded to develop road infrastructure lately and investments to connect the Port of Constanta to its hinterland have increased. Soon we will see new investments and better connection of the Port of Galati with its hinterland.

The Romanian port administrations, in order to better respond to their role as developer of the port complex, have trained own personnel to write and implement transport infrastructure projects, realizing the importance of hinterland connections.

The extensive features of the corporatized port management model from simple land administration required the focus on this success factor.

Please see chapter 3.2 where the development of the Barge Terminal, port connection with A2 highway and Road Bridge over the Black Sea–Danube Canal are presented. Similar project may be observed in connection with APDM Galati.

Performance indicators: reducing congestion for river and road connection, increasing cargo throughput, reducing ship turnaround time.

The analysis of the waiting time spent by barges or road transporters, as well as the values of river cargo throughput are able to show the importance of this factor.

² Annual reports are published by port administration on own site (www.portofconstantza.com).

2.4.3 Success factor 3: Public – private cooperation in future developments

Port investment has not always been correlated all the time among port stakeholders, especially when masterplans are not available or they have not been updated in line with the industry trends. Therefore, cooperation among all stakeholders and developing investments in fields that have a business case behind seem to have a big chance of success.

The good practice presented in chapter 3.3 on the partnership developed in Galati by the municipality, the port administration and a port operator reveals the advantages of the port management model applied.

The agreement signed by the interested parties establishing the commitment of each party in the implementation of an overall project contributes significantly to the development of the port and of the economic area as a whole.

Applying the corporatized port model is increasing the development as it involves both public funds for the development of the infrastructure, as well as the private ones for the development of the superstructure.

Improvement area: higher level of private investment in port superstructure development, increasing cargo throughput.

For details please see chapter 3.3.

2.4.4 Success factor 4: Improvement of communication with port stakeholders

The development of a port community including port actors capable to communicate proactively and effectively with each other is a success factor in all ports. In addition, strengthening the city-port connection is another aspect of communication able to contribute to the development of the port and the city at the same time.

This is why the success of some Romanian ports in improving the communication among the port actors is expected to show their results in a relatively short time.

One of the extended functions of the corporatized port model is to develop the port by involving the entire port community. Also the development of communication between port and city has positive effects in the simultaneous development of the city and port.

In all cases analyzed by this report, the economic development of the cities is directly related to port development. None of the cities is a large industrial center, and the port can lead to a significant job development, but to the emergence of new economic development initiatives.

Performance indicators: increase of public-private partnerships, development of networking in the port community and with other Danube ports actors, increased funds allocated to infrastructure development, common voice in connection with legal and economic framework development.

For details please see chapter 3.3.

2.4.5 Success factor 5: Increasing public investments in port infrastructure

The corporatized port management model has as a characteristic the public ownership of the land, leading to public infrastructure investments. When European and national programs that can develop waterborne transport infrastructure are available, the application of this model is remarkable for the success factor that can attract large investments that are hard to be found in the private sector in ports that do not involve emerging development.

If we will analyze the Constanta Port Masterplan, we will see that future infrastructure development involves amounts that the private sector could not recover in the time frame of business plans appropriate to port users.

The planned development is needed for a large number of port users and even for regional development. Therefore, the involvement of public funds is one of the most suitable solutions to this end.

Measurement method: level of public investment in port infrastructure.

2.4.6 Applicability of the identified success factors for best practices on port management and operation model

The success factors are fully applicable to the three best practices included in this report, identified in the Port of Constanta and the Port of Galati, as well as for other ports or best practices identified when the corporatized port management model is used.

2.4.7 Relevance

All success factors were selected as a result of interviews with different relevant port actors, including port administrations in Romania which are related to main characteristics of the corporatized port management model. Criteria taken into consideration are related to:

- Port and city interaction: common development projects (see Port of Galati), transfer of good practices and lessons learned, related to implementation of infrastructure development;
- Roles of Transport Ministry: owner of the land and promoter of infrastructure development;
- Roles of port operators: investments in port superstructure, co-operation in public-private partnerships for port development, providing of competitive port services;
- Port functions: balanced distribution of port functions among port actors;
- Competition: strengthening of competitive environment, market oriented development approach.

2.4.8 Applicability

There is a direct link between the success factors presented and their applicability for the port management model implemented in Romania, as well as in the other Danube ports.

The applicability of success factors is related to the evolution of ports in the global trends of port reform, European practices and approaches to create a common legal framework for European ports and the competitive environment in which they operate.

Also, the extent of land transport development in the region can significantly affect port development policies.

Performance indicators taken into consideration to measure the success factors are:

- River traffic growth;
- Private investments in port superstructure;
- Developing new business among ports users;
- Reducing congestion for river and road connection;
- Cargo throughput;
- Reducing ship turnaround time;
- Private investment in port superstructure;
- Public investment in port infrastructure.

2.4.9 Comparability

In order to observe the comparability with other countries it is important to review the applicable legal framework and commercial relationships among port users.

The corporatized port management model proved to be applied successfully in countries with a high level of performance in waterborne transport. That is why we consider all identified success factors able to be taken into consideration for all countries involved in this project.

3 Best practices

3.1 Networking among Danube ports through organizing Constanta Port Day

Constantza Port Day is the promotion event performed every year in the hinterland of the port. Having an important position for the landlocked countries in Central Europe, the Port of Constantza must have a close cooperation with the transport community in the region in order to meet their requests.

In this respect, these events are gathering every year more than approximately 600 participants (an average of 200 participants/event) from different sectors of activity of the transport industry – logistic companies, port operators, port authorities, government representatives etc.

The contact with the local transport community from each country is very important in order to strengthen Constantza Port's position but also to attract new clients and develop its port network by concluding Protocols of Cooperation, having in consideration the participation of port authorities, transport associations (Port of Pancevo, Port of Vukovar, Port of Krems, Port of Budapest, Port of Novi Sad, Port of Belgrade).

We shall point out that these events support all modes of transport, but the main link is considered to be the River Danube, approximately 13 mils. tons river traffic, being operated in the Port of Constanta, and also one argument for our position as *agribulk hub* and probably the most important grains port in Europe.

3.2 Improvement of hinterland connection in Port of Constanta

The infrastructure development is a key responsibility for port administration in any port. Based on the masterplan, established after a large consultation with all stakeholders, the Port of Constanta decided to develop a number of projects in order to improve the hinterland connection. Three of them proved to contribute to the success in reaching this objective.

Barge Terminal

The need of this terminal was determined by the forecast on increasing traffic of cargoes transported by barges on the Danube - Black Sea canal.

The terminals for non-propelled barges and for river tugs represent an investment with a view to improving the conditions of navigation and expanding facilities for mooring river units in the southern port of Constanta.

The non-propelled barges terminal is designed primarily for mooring the river units carrying cargo and has distinct sections for mooring tank barges, barges with dangerous cargoes and barges with general goods or bulk cargoes.

Road Connection with the A2 Highway Constanta-Bucharest

The project allows direct connections for road vehicles coming/going from/to Port of Constantza, to the A2 Highway, avoiding the existing road network crossing the city of Constanta. The connection provides fast access for the trucks and other road vehicles, avoiding public traffic on the route to the highway.

Road bridge over the Black Sea-Danube Canal

The road bridge provides direct connection of the southern part of the port and its terminals, with the northern part and with the connection to the A2 Highway, avoiding the public traffic and road network of the town of Agigea, a congested route especially during the summer season.

These three finalized projects were essential in improving the port connections with the hinterland – river and road component, and have contributed to the logistic context of the *agribulk hub* position in the Central and Eastern Europe.

Due to the fact that Constanta is the transit port for grains from Hungary and Serbia, and the exiting point of Romania's grain production, the connections and the port navigation must

provide efficient conditions in order to avoid congestion. In this respect, the Barge Terminal ensures a better management regarding the operation of barges entering the port, providing a „waiting area” that assists with the access to terminals avoiding congestion in the navigation canals and at the terminals quays.

The road connection and the road bridge are providing fast access in/out of the port for both grain and container trucks, especially during summer.

Beside the aspects mentioned earlier, the projects also improve the level of competitiveness and attraction for port customers, connections being one of the most important attributes of a port and essential in building a transport corridor. As a consequence, the Port of Constanta is one of the most important ports for the agribulk segment, handling a volume of 20 million tons in 2016 for this category of cargo.

The analysis of the port infrastructure status for the Danube ports that are the subject of this project was performed under package 5.1.1.

We can observe that there is a direct relationship between the development of the transport infrastructure, the port development and the economic development of the hinterland specific to each of the ports.

The corporatized port management model is extending the port administration tasks to direct involvement in promoting, applying for and implementation of transport infrastructure development projects in order to improve the hinterland connection and economic development.

3.3 Public – Private cooperation in development of a multimodal platform in Port of Galați

According to the Regulation no. 1315/2013 of the European Parliament and the EU Council have been established objectives and directions of action for the implementation of TEN-T priority projects generating identification of priority project for implementation.

A major objective of the Regulation is to ensure interoperability between modes of transport in terminals and ports, especially in ports from the TEN-T central network in order to increase the share of shipping in transport logistic flows.

In the programming period of European structural funds and investment for 2014-2020, the European Parliament established by Regulation No. 1316/2013 the Connecting Europe Facility – CEF programme, mainly to finance priority projects identified by Regulation No. 1315/2013.

„Galati Multimodal Platform,, project is part of the priority projects identified by the European Commission by Regulation no. 1315/2013 and financed by CEF according to the Regulation no. 1316/2013.

Project application was submitted under 2015-RO-TM-0275-W in the second call of the CEF program and was selected for funding.

After evaluating the application form, the project was declared eligible and was proposed to receive financial assistance from the European Union, the total cost, recommended by the Commission, being 25,619,783 euros and the amount recommended to be funded by CEF is 21,776,814 euros for “Galati Multimodal Platform - Stage I – Upgrade of the waterside infrastructure” in Port Bazinul Nou area.

The port of Galati infrastructure upgrade will contribute to enhance the connections between different countries such as Ukraine, Moldova and Romania allowing an increase of freight transport along the lower section of the Danube and the overall Rhine-Danube core network corridor.

The general objective of the Action is to foster the use of inland waterway and maritime transport on the Rhine-Danube Corridor, by upgrading the basic port infrastructure and supporting transshipment operations in the Port of Galati.

In order to achieve the overall objective of the project will be taken the following steps:

- ✓ Drawing technical design and execution details following the execution of investment object: Quay / unloading area, Multimodal platforms - infrastructure (platforms, roads, utility networks) and superstructure (buildings, additional areas of storage), existing and newly created equipment and port facilities, road and rail connection access to multimodal platforms, the access platform area;
- ✓ Capital dredging works in the basin located in the “Port Bazinul Nou” area to allow safe entry of vessels.
- ✓ Upgrade of the existing quay to perform direct loading and unloading operations of Intermodal Loading Units (ILUs) between vessels and the quay;
- ✓ Partial filling of the port basin to create additional space for berthing and future handling operations;
- ✓ Levelling of the elevation profile of the platform.

CN APDM Galati has the responsibility to act as public port infrastructure administrator. In 2013, in order to start the project preparation, a consultancy process was conducted with local stakeholders (Galati Municipality, County Council, customs, border police, fairway administration, national railway infrastructure administrator – CFR Infrastructure, private port and logistic operators and SME’s). A working group was established to analyse and identify the best location for the project implementation and the participants signed an agreement.

The most appropriate location has been identified in the Port of Bazinul Nou area based on the following prerequisites:

- no urban limitations: the area is situated in the industrial zone of the city;
- rail connections and dedicated shunting yard for both railway systems (1524 mm and 1435 mm). According to the DAHAR project, Galați is the only EU port where the two railways systems (1524 mm and 1435 mm) are connected inside the port area;

- direct road connection to national roads network (E584);
- only 10 km distance to the EU East border (Republic of Moldova);
- logistic services areas in proximity (Industrial park and Free Zone);
- open surfaces available for expansion.

The Port of Bazinul Nou infrastructures (land and quay walls) are public property administrated by the National Company “Danube Maritime Ports Administration” by a concession granted by the Romanian Ministry of Transport. The operational infrastructure and superstructure as well as port installations for transshipments are owned by the port operator, the Joint Stock Company “Port Bazinul Nou”.

Both CN APDM and JSC PBN emerged in 1989 from the former “Inland Navigation State Company – NAVROM” with the Romanian State as shareholder. CN APDM took over the port infrastructure administration (land and quay walls) and JSC PBN took over the port operations. In 1999, JSC PBN was fully privatized and became part of METALTRADE Holding.

The Port of Bazinul Nou is a public port open to all transport operators.

In 2014, the consultancy for the preparation of the feasibility study was purchased. The multimodal platform concept would require 95,429 sqm and it was proved that the best place to be build it was the West side of the port area including the existing basin. Due to the port area configuration, an extension of 33,682 sqm would be required for the platform in/out dedicated gate in order to separate the platform from the rest of the port area. Therefore, a partnership was completed with METALTRADE INTERNATIONAL Ltd, the owner of the needed 33,682 sqm and member of METALTRADE Holding.

The partnership will continue with the steps for Stages II and III as follows: For Stage II of the Global Project (Objective 2 - Road and Rail Connection), the following works will be carried out:

- Modernization of the access road between the port and the TEN-T road network, including the construction of an overpass over existing rail triangles and a roundabout;
- Relocation of a part of a railway line in order to allow free access to the rail triage of the other operators in the port areas located within the "New Basin" port area. These works will be carried out concurrently with the modernization of the existing quay.

For the third stage of the global project, the following works will be carried out:

- Development of the multimodal platform: infrastructure (platforms, roads, utilities networks) and superstructure (buildings, additional storage areas), existing and newly created port and equipment installations and extension area, located on an area of approximately 85,000 sqm.

For the loading/unloading other of the means of transport there are two equipment for handling on the multimodal platform, of which a ship-to-shore crane and another rail-mounted crane to handle the containers in the rail triage of the multimodal platform.

- Access area to the platform will serve to the access for trucks on the multimodal platform.

This is to be considered a good practice due to the approach in planning and development of the multimodal platform having all stakeholders involved and based on a very good cooperation among them.

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