



Interreg



Danube Transnational Programme DAPhNE

Output 3.1 Workshops on state-aid schemes

Work Package 3 Port Legislation & Funding

Activity 3.3 State-aid schemes for funding investments
in ports

Date: 27/06/2018

Version 1.0 (final)



Table of Contents

- 1 Introduction**
- 2 National workshop on state-aid schemes held in Romania (Constanta, 27-28/03/2018)**
 - 2.1 Agenda
 - 2.2 Meeting minutes
 - 2.3 List of participants
- 3 National workshop on state-aid schemes held in Bulgaria (Sofia, 19/05/2018)**
 - 3.1 Agenda
 - 3.2 Meeting minutes
 - 3.3 List of participants
- 4 National workshop on state-aid schemes held in Croatia (Karanac, 10/05/2018)**
 - 4.1 Agenda
 - 4.2 Meeting minutes
 - 4.3 List of participants
- 5 National workshop on state-aid schemes held in Hungary (Budapest, 17/04/2018)**
 - 5.1 Agenda
 - 5.2 Meeting minutes
 - 5.3 List of participants
- 6 National workshop on state-aid schemes held in Slovakia (Bratislava, 21/06/2018)**
 - 6.1 Agenda
 - 6.2 Meeting minutes
 - 6.3 List of participants

Introduction

In the framework of the Work Package 3 and the sub-activity 3.3 (state-aid schemes), national workshops were conducted with the national stakeholders following the contents of the national reports that had been previously elaborated by the partners. These workshops relied on the know-how transfer existing between the partners and intended to lead to harmonized instruments and strategies for the revival of ports.

The objective of these workshops was to discuss about the way to stimulate ports investments along the Danube. This requires the application of new solutions that can get along with the current practice: national budgets, bank loans, EU-funds & using the entities' own sources.

Recommendations resulting from these national workshops were gathered and are available as Deliverable.

This document intends to give an overview on the national workshops on state-aid schemes which took place in Romania, Bulgaria, Croatia, Hungary and Slovakia.

For each workshop, the following documents are presented:

- the agenda
- the meeting minutes
- the list of participants.

Programme: 09.00 – 14.30	Agenda DAPhNE Project - WP3 – Activity 3.3. National Workshop regarding funding investments in ports (State Aid Schemes) Venue: Ibis Hotel, Constanța
	Date: 27.03.2018
09.00 –09.30	Registration & Welcome Coffee
	Opening session
09.30 – 09.50	Welcome speech : Mr. Nicolae Dan Tivilichi - General Manager of CN APM San Constanta (MPAC) Mr. Ionel Minea - State Secretary in the Romanian Ministry of Transport
	Plenary session
09.50 – 10.10	Presentation of DAPhNE Project - Mr. Silviu Meternă - Project Manager of PDR
10.10 – 10.30	General and specific aspects regarding the state aid granted to Romanian ports Ms. Angelica Haliciu - State Aid Department of the Romanian Competition Council
10.30 – 10.50	Presentation of POIM 2014 – 2020 programme - Field of intervention for improving navigation conditions, development of port infrastructure and intermodal / multimodal local infrastructure - public and private beneficiaries Ms. Roxana Ilie - General Directorate Intermediate Body for Transport, Romanian Ministry of Transport
10.50 – 11.10	Presentation of ongoing and future infrastructure projects on inland waterways and ports in Romania Mrs. Monica Patrichi – Expert from the Naval Transport Department, Romanian Ministry of Transport
11.10 – 11.40	Presentation of port private investment Mr. Silviu Meternă - Pro Danube Romania

	Mr. Chivu Marian - General Manager of Archer Daniels Midland
	Keynote speeches
11:40 – 12:00	Presentation of Activity 3.3 of the DAPhNE Project and Structure of the National Report on financing investment in ports (State aid schemes) Mr. Costel Stanca - Atlas Research, APDM External Expert
12:00 – 12:50	Debate on the national report on financing investment in ports (State aid schemes) Opinions from private operators, discussions, recommendations on the development and implementation of a regional model of "State aid schemes" for financing investments in ports, adapted according to national requirements
	Review of the day
12:50 – 13:00	Conclusions Mr. Costel Stanca - Ph. Dr. Engineer, Atlas Research, APDM External Expert
13:00 – 14:30	Lunch <i>hosted by MPAC</i>
19:00	Dinner <i>hosted by MPAC</i>

Venue: Ibis Hotel, Constanta

Address : Str. Mircea cel Bătrân, 39B-41, 900658 Constanța

Website: <http://www.ibishotels.ro/hotel-ibis-constant>



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EUROPEAN UNION

Danube Transnational Programme

DAPhNE

National workshop on port funding – Romania (27/03/2018)

Work Package 3, Activity 3.3 State-aid schemes for funding

Output: 3.1 Workshops on port legislation
& state-aid schemes

PP responsible: MPAC

Date: 02/05/2018

Version 1.0 (final)



DAPhNE Project– Activity 3.3. – National Workshop funding investments in ports (State Aid Schemes)

Date: 27.03.2018 / 09:00 – 14:30

Venue: Ibis Hotel, Constanța, Romania

Number of participants: 65

List of participants: attached

Agenda: attached

The Minute was written by MPAC

The event was held in Constanta at the Ibis Hotel on March 27th, 2018 and was organized by the Maritime Ports Administration Constanta - MPAC - according to the provisions of the DAPhNE project (Work Plan and Application Form). The following project partners participated in this national workshop: MT, APDM, OUC and PDR.

The MPAC working team, together with the APDM representatives, provided all participants with promotional materials, work agendas and an event evaluation questionnaire.

1. Opening of the workshop (Mr. Nicolae Dan Tivilichi – CEO of MPAC and Mr. Ionel Minea - Secretary of State RMT - Opening Statements; Mr. Silviu Meternă - Presentation of the DAPhNE Project)

Starting at 9 o'clock, the workshop p was opened with the registration of the invited participants.

Mr. Nicolae Dan Tivilichi - CEO of MPAC welcomed participants in the first workshop of the DAPhNE project dedicated to state aid schemes. He stressed that if we want to apply the same rules for the same river, we must think of what we must change or improve, to be part of this common Danube River. Starting from the analysis of the current situation on the Danube, the DAPhNE project envisages the complicated task of the riparian states to create a strategy that will reduce the sometimes significant differences between the levels of development of the regions and to ensure the compatibility of the legislative reform measures with the European values, building the structure of resistance of the future regional construction. Not all funding means are accessible to all stakeholders in ports who would like to invest and do not lead to significant private sector inputs. The state should therefore develop state aid schemes, build port legislation and have port management involved.

Mr. Ionel Minea - State Secretary in the Romanian Ministry of Transport - briefly introduced the DAPhNE project to the guests present at the workshop. His message was focused on the fact that the Ministry of Transport supports and encourages investments in ports, especially private investments in the Romanian ports located on the Danube. Regarding the strategy of the Romanian Ministry of Transport in the field of naval transport, the priority is to ensure the conditions of navigation on the Danube, a precondition from which we start,

and for the development of the Danube ports. In this respect, Romania has financed and carried out maintenance dredging works at the critical points on the Danube and obtained European non-reimbursable financing for studies and hydrotechnical works and equipping the Lower Danube River Administration with ships and installations that will be used for maintenance of navigation conditions. For the sector under the administration of the Bulgarian part, steps are being taken to amend the bilateral agreement signed in 1955 and to oblige the Bulgarian side to fulfill its international obligations, as a Danube state.

Mr. Silviu Meternă - on behalf of PDR - introduced to audience "The DAPhNE Project - The Danube Ports Network", based on the motivations and challenges that brought this project to light, the current configuration of all ports in the nine participating countries applied against a background of great potential of the regional growth that the Danube River offers. Starting from these points, Mr. Meterna pointed out the scale and the multitude of projects targeting the Danube, as well as the size and complexity of the DAPhNE project, based on its objectives, areas of action, goals and strategies that overlap on the mission-vision and work coordinates. Thus, the network of Danube ports has the mission to contribute to the sustainable economic, social and environmental development of river and maritime ports and the Danube port industry, thus enhancing global competitiveness. Its vision is to be the recognized and coordinated voice of the Danube Port Community in Europe and beyond, as well as a competent service provider for inland and maritime ports in the Danube region.

2. WP 3.2.- Presentation of general and specific aspects about state aid on Romanian ports (Mrs. Angelica Haliciu - Incidence of state aid in the naval sector; Mrs. Roxana Ilie - POIM 2014-2020 presentation; Ms. Monica Patrichi - Presentation of ongoing and future infrastructure projects on inland waterways and ports in Romania)

Ms. Angelica Haliciu - State Aid Department of the Romanian Competition Council, presented the "Incidence of State Aid in the Naval Sector". Starting from the theoretical identification of state aid on the basis of the criteria that it examines (economic advantage, state source, granted to enterprises, selectivity, distorts the competitive environment, distorts intra-Community trade), Ms. Haliciu then placed these measures within national and Community laws and identified the possibilities for public financing of investments in the port infrastructure/ superstructure. Finally, the state aid scheme was debated, starting from the identification of the eligible costs, the maximum eligible costs, the maximum amount of the non-refundable financing, as well as the state aid to compensate for the provision of an SGEI (services of general economic interest).

Ms. Roxana Ilie - from the General Directorate Intermediate Body for Transport, the Romanian Ministry of Transport - presented the POIM 2014-2020, which is based on two priority axes: 1 - improving mobility through the development of the TEN-T network and metro and 2 - the development of a multimodal, quality, sustainable and efficient transport system. Among the objectives set out in each axis, only two are addressed to ports: 1.3 - Increased use of waterways and ports on the central TEN-T network and 2.4. Increase in the volume of goods transited through intermodal terminals and ports. Thus, on these strategic objectives various shipbuilding projects are available which become eligible under Objectives 1.3. and 2.4. -ports. In addition, there are still

cases of funding that do not involve State aid under Community law. Ms. Ilie's presentation continued with projects that involve the construction, replacement or upgrading of the Romanian maritime infrastructure on the TEN-T CORE network. The documents underlying investment in ports and local intermodal infrastructure are the state aid scheme provided for under OMT 1532 / 17.10.2017 and the Applicant's Guide for Improvement of Navigation Conditions, Port Infrastructure Development and Intermodal/ Multimodal Local Infrastructure – Beneficiaries, public - Decision 64 / 21.12.2017.

Mrs. Monica Patrichi - from the Naval Transport Department, the Romanian Ministry of Transport, presented the ongoing and future infrastructure projects on inland waterways and ports in Romania. On the Romanian Danube sector there are a number of projects which contribute to improve the navigation conditions. These projects are: Improvement of navigation conditions on the Călărași - Braila sector (km 375 - km 175), FAST Danube - Improvement of navigation conditions in the Romanian - Bulgarian joint sector and SWIM. The projects are financed by European non-reimbursable funds. The Sulina Channel Coastal Defense Project is under preparation - the final stage and the AFDJ program for technical vessels was presented. the Danube - Black Sea and the White Gate - Midia Navodari canals are underway to modernize the locks with funding from the POST 2007 - 2013 and POIM 2014 - 2020. Regarding the ports there were mentioned the projects under preparation for which will be requesting funding through the 2014 - 2020 POIM in Constanta, Brăila, Calafat, Giurgiu and Corabia. In Galati harbors, the state budget finances works for the modernization of the Danube 31 and CEF funding has been obtained for the design of the Multimodal Platform Galați and for the execution of the infrastructure works related to the first stage. The MT representative also presented an overall situation of freight traffic through the Romanian ports for the period 2012-2017.

3. Presentations of the private sector

Mr. Chivu Marian – CEO of Archer Daniels Midland presented "ADM, one of the most competitive operators of Constanta Port", which, since 2015 has taken over the shares of two reputable companies: NSS and MINMETAL. The logistics benefited by the company consists of a fleet of 50 barges and 6 pushers, grain terminals and grain silos in the Danube ports Giurgiu, Brăila, Calafat, Silistra, Orșova, Hârșova, Călărași, Corabia, Moldova Nouă, Borcea. For the year 2017, the company carried out a 3,300,000-tonne traffic and has been progressively increasing since 2014.

Mr. Silviu Meternă –Pro Danube Romania, supported the presentation of the "Giurgiu Green and High Performance Port", whose objective is to carry out the works and to build the necessary infrastructure according to the studies elaborated in the first stage of the project, using the model of Linz, Austria. The project has a deployment period 2015-2020 and benefits from a budget of 15,594,063 euros, the end goal being the construction of an intermodal logistic terminal. The project is coordinated by ILR Logistica Romania and has as expert consultants Pro Danube Management and Pro Danube Romania.

4. Presentation of activity 3.3.

Mr. Costel Stanca - Atlas Research, APDM External Expert, presented the "National Report on funding investments in ports", prepared as a deliverable analyzing the state aid for

Romanian ports. Starting from the goals of DAPhNE project package no.3: the need for a common harmonized approach to the legal aspects of port activity "same river, same rules", a balanced development of Danube ports and the identification of the role of public funding in port investment, the report identifies the general terms on state aid, then to analyze the State aid scheme for the port infrastructure.

This analysis is based on the 2011 EU maritime survey conducted by the European Parliament's Transport Committee, which provides for common guidelines for financing access and basic port infrastructure, terminal infrastructure, superstructure and handling materials, including the application of the Financial Transparency Directive to all EU seaports and the compensation granted to port authorities that have moved from the regulatory role towards facilitating logistics chains.

Regulation no. 2017/352 establishing a framework for the provision of port services and common rules on the financial transparency of ports and Order no. 1532 - Investments in the infrastructure of the maritime and inland ports and in the intermodal/ multimodal local infrastructure, are also legislative references taken into account in the analysis of the State aid scheme. The conclusion drawn from the Atlas Research report was that so far no state aid schemes have been used.

5. Opinions of Private Operators, Discussions, Recommendations on State Aid Schemes in Romanian Ports

Mr. Costel Stanca mediated the debate session that ended the workshop. Requests for additional information were addressed to the representatives of the Competition Council and the Ministry of Transport, who answered the questions posed by the participants to the workshop.

5. Conclusions

The sustained presentations contributed to the dissemination of the DAPhNE project and the objectives it promoted. The competent institutions (the Competition Council, the Ministry of Transport, the Port Administration) and the private entities were put together to discuss and identify the necessary measures for the development and efficiency of Romanian (Danube and maritime) ports through public and private investments. The growth of one part leads to an increase of the whole, whether we relate to the national plan, or to the riparian countries.

The participants were invited to further analyze the National State Aid Report, available under the DAPhNE project, and to submit observations or proposals within one week.

Following this meeting, the APDM partner will prepare a National Report (3.3.2.) And based on the results of the discussions within the national workshop organized by MPAC, at least 5 recommendations (D.3.3.3) will be made, which will serve as a contribution to preparing a report on the mechanisms for State aid schemes for the entire Danube region.

The workshop program ended at 13:00 when guests were asked to fill in the questionnaires provided by the MPAC project team and participate in a working lunch offered by the organizers (MPAC) in the Ibis Hotel's restaurant in Constanta.



List of Participants

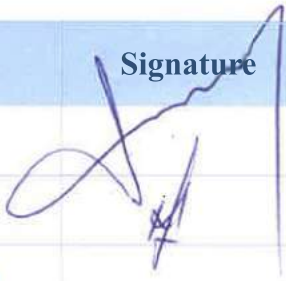

National Workshop regarding funding investments in ports (state-aid schemes)

Hotel Ibis, Constanta
27 March, 2018



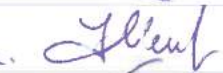





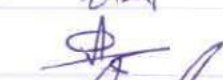

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75				
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Duration 10:00-17:00	DAPhNE
	NATIONAL WORKSHOPS ON PORT LEGISLATION & STATE-AID SCHEMES
	Grand Hotel Sofia
	Date: 19.05.2018
	Bulgarian Ports Infrastructure Company
10:00 – 10:30	Registration
10:30 – 10:40	Welcome speech - Stoyan Hristov, DAPHNE Project manager, Bulgarian Ports Infrastructure Company
10:40 – 11:00	Project description (Goals, Activities, Results) - Snezhina Alexieva, Bulgarian Ports Infrastructure Company
11:00 – 13:00	Legal framework applicable to the inland ports in Bulgaria - Milen Bozhinov, Territorial directorate Port Ruse, Bulgarian Ports Infrastructure Company
13:00 – 14:30	Lunch
14:30 – 16:30	State-aid regime applicable to the inland ports of Bulgaria - Valentin Ignatov, Ministry of Transport, Information Technology and Communications
16:30 – 17:00	Open discussion with the stakeholders

Venue:

Grand Hotel Sofia
1, Gurko Str., 1000 Sofia, Bulgaria
<http://www.grandhotelsofia.bg/>



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EUROPEAN UNION

Danube Transnational Programme

DAPhNE

National workshops on port legislation & port funding – Bulgaria (19/04/2018)

Work Package 3, Activity 3.2 Improve & harmonise port legislation & Activity 3.3 State-aid schemes for funding investments in ports

Output: 3.1 Workshops on port legislation & state-aid schemes

PP responsible: BPICo

Date: 31/05/2018

Final version



Date: 19.04.2018 / 10:00 – 16:30

Place: Grand Hotel Sofia, Bulgaria

Number of participants: 31

List of participants: Attached document.

Agenda: Attached document.

The national workshops foreseen in Activity 3.2 (port legislation) & Activity 3.3 (state-aid schemes) in Bulgaria were organized by Bulgarian Ports Infrastructure Company. The workshops with the national stakeholders took place in Sofia, on 19th April 2018 and the main goals were: (i) to talk about the national inland ports legal framework and (ii) to talk about the state-aid schemes for funding investments in the Bulgarian ports.

The experts sought possible solutions to the existing problems and introduced the participants with their proposals for improvement of the legal framework.

BPICo. invited two speakers for each of the covered topics:

1. **Mr. Valentin Ignatov** – state expert in Programme and Project Coordination Directorate, Ministry of transport information technologies and communication (also associated partner to the DAPhNE project), state expert in the “Programming” department to the Operational Programme Transport and Transport Infrastructure, Mr. Ignatov made a detailed presentation on the legal basis for granting state aid in the field of transport in Bulgaria and the current state of play.
2. **Mr. Milen Bozhinov** – legal adviser in BPICo, Territorial directorate Port Ruse branch with long term expertise in the field of port legislation – resolving legal issues with clients/ personnel/ other counterparts both by negotiations and in court; organization and participation in public procurement procedures, elaboration and amendment of internal regulatory documents, elaboration of statements and opinions on important port related themes, etc. Before joining the team of BPICo in May 2017, Mr. Bozhinov worked for more than 12 years for one of the largest port operators. Mr. Bozhinov acquainted the participants with the legal basis for ports in the country, including the last amendments of the Maritime spaces, inland waterways and ports in the Republic of Bulgaria Act.

Besides representatives of BPICo the seminars attended representatives of local river port operators, experts from the Ministry of transport, information technologies and communication. All of them were experience in port operation and exploitation and thus – experts on the discussed topics.

1. Opening

Mr. Stoyan Hristov (BPICo) welcomed the participants, said a few words about the agenda and the organising details of the workshops and then gave the floor to Ms. Snezhina Alexieva (BPICo) to present the participants the DAPhNE project objectives, activities and expected results.

2. Legial framework applicable to the inland ports in Bulgaria - Milen Bozhinov (Branch-Territorial Directorate Ruse, BPICo)

Mr. Bozhinov presented the legal framework for the ports, structure of the Bulgarian port sector, functions and responsibilities, types of ports, investments in ports, construction, permits, rules and practices for ports financing. He also introduced the rules and regulations for the port operators and the rules and regulations on the use of port facilities for economic activities other than port services.

3. State-aid regime applicable to the inland ports of Bulgaria - Valentin Ignatov (Ministry of Transport, Information Technology and Communications)

Mr. Ignatov presented the general points about the state-aid schemes in Bulgaria, state-aid maps in the transport sector and also in the ports, he analyzed the national legislation on state aid, the General Block Exemption Regulation, analytical matrices for port infrastructure, the transparency requirements and some practical advices.

The participants showed great interest on the presentations, especially on the state aid theme. As it is not common practice in the field of port operation, options were commented for receiving state aid for ports. It became clear that possibilities for individual ports are not many and are limited almost to certain initiatives with public significance.

Further, with regard to legal frame discussion, some opinions were expressed that there is a lot to be expected as the changes in the Law are yet to be implemented and evaluated. There are new rules for construction and expansion of ports. Participants were invited to express their opinion in written after the workshops.








The national workshops managed to reach their scope, as there were no unclear issues left.

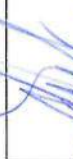


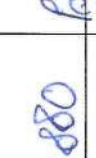


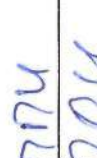





Problems were encountered in connection with timeframe for conducting the events and the specifics of the public procurement procedure for the two national reports.

ПРИСЪСТВЕН СПИСКЪК

НАЦИОНАЛНИ СЕМИНАРИ на заинтересованите страни
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Четвъртък, 19 април 2018 г.
Гранд Хотел София, гр. София, България

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DAPhNE – Nacionalna radionica/*National Stakeholder Workshop - DAPhNE project/DAPhNE project*

DNEVNI RED/AGENDA

Datum i vrijeme/*Date and time*: 10.05.2018. u 10:30

Mjesto/*Place*: Seosko gospodarstvo Ivica i Marica, Ive Lole Ribara 8A, 31315 Karanac

Svrha sastanka/*Meeting purpose*: prezentacija i preporuke/*presentation and recommendations* – pravni okvir i državne potpore/*legal framework and state aid schemes*

10:30	Prijava sudionika radionice i kava/<i>Registration and coffee</i>
11:00	Uvodni govor/<i>Introduction speech</i> (Iva Horvat)
11:10	DAPhNE projekt – Mreža podunavskih luka/<i>DAPhNE project – Danube Ports Network</i> (Iva Horvat) <ul style="list-style-type: none"> • općenito o projektu i ciljevima projekta/<i>project in general and main goals of the project</i>
11:30	Pravni okvir poslovanja luka na unutarnjim vodama/<i>Legal framework of the inland ports in Croatia</i> (Iva Horvat) <ul style="list-style-type: none"> • nacionalni izvještaj i preporuke/<i>national report and recommendations</i>
11:45	Državne potpore/<i>State aid</i> (Miroslav Mađarac) <ul style="list-style-type: none"> • nacionalni izvještaj i preporuke/<i>national report and recommendations</i>
12:00 – 12:15	Rasprava/<i>Discussion</i> <ul style="list-style-type: none"> • preporuke sudionika za pravni okvir i državne potpore/<i>participants recommendations</i>
14:00	Ručak/<i>Lunch</i>



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EUROPEAN UNION

Danube Transnational Programme

DAPhNE

National workshop on port funding – Croatia (10/05/2018)

Work Package 3, Activity 3.3 State-aid schemes for funding investments in ports

Output: 3.1 Workshops on port legislation & state-aid schemes

PP responsible: PAV

Date: 28/05/2018

Final version



Date: 10.05.2018 / 11:45 – 12:45

Place: Seosko gospodarstvo Ivica i Marica, Ive Lole Ribara 8A, 31315 Karanac, Croatia

Number of participants: 28

List of participants: Attached document.

Agenda: Attached document.

Minutes prepared by: PAV

The meeting took place at Karanac, on 10th May 2018 and the **main goal** was to **talk about National State Aid Report for Croatia and to collect recommendations**.

The meeting was hosted by **Vukovar Port Authority (PAV)**.

1. Opening

Mr. Alen Jakumetović (PAV, General Manager) welcomed the participants, said a few words about the agenda and the organising details of the meeting and then gave the floor to **Mr. Miroslav Mađarac (PAV)**.

2. National State Aid Report for Croatia [Miroslav Mađarac (PAV)]

Mr. Miroslav Mađarac (PAV) presented National State Aid Report for Croatia prepared by the external experts. He presented the main goals of preparing such report from the aspect of the DAPhNE project and they are to research the following:

- Current state of the state aid funds;
- To identify relevant institutions for giving and approval of the state aid for the ports;
- To give an overview of the current practice with state aid.

In general, this project activity has the following tasks:

- To stimulate new port investments;
- To research new financing opportunities and models, which could be adapted to current financing models (national state budget, EU funds, loans, own funds...);
- To make funding sources accessible to all stakeholders – private sector;
- To increase impact of the public funding through program of the state aid which could be applied in the Danube Region and which is in line with regulations.

Mr. Mađarac said that, after all participating countries finalize their reports, Hungarian partner shall combine all national reports and prepare one international report which will be the basis and the input for the Danube Region Strategy. All information gathered within the Report and on the Workshop should be the starting point for the SWOT analysis.

Strategy for the state aid for the Danube Region together with the Action plan shall define the steps towards reaching the goals for the whole Danube Region and, at the same time, should be in line with national legislation and national Danube Region priorities.

Hereafter, Mr. Mađarac gave the definition of state aid as defined in national law. Provider of the state aid is body of the central government (ministries), and every other legal entity in charge for state aid providing. User of the state aid is every legal or physical entity who is obtaining economic activity.

The Government of the Republic of Croatia designs the state aid policy of the Republic of Croatia by specifying its priority objectives and the purpose of efficient use of the funds of the state budget of the Republic of Croatia.

The state aid policy of the Republic of Croatia follows the policy of the state aid of the European Union and the guidelines of the fiscal and economic policy of the Republic of Croatia.

The Government of the Republic of Croatia, on the proposal of the Ministry of Finance, provides guidelines for the state aid policy for a three-year period.

Aid scheme for inland navigation/waterway is named: State aid for inland waterway shipping operators in national transport (2012-2017), beneficiaries are shipping operators. There was only 81.150 EUR of the state aid given in afore mentioned purpose.

Guidelines for State aid 2018-2020 for the inland navigation are foreseen for the inland ports. In accordance with EU regulations, State aid for inland ports could be up to 100%. Maximum amount for project is 40 mil. EUR and up to 50 mil EUR for the ports on TEN-T network.

After main legal aspects and rules for the State aid was presented the discussion was opened.

Mrs. Nada Klepo (Port Authority Osijek) pointed out that state aid is too generally defined by the regulations; State aid program is referring only to ports, but it is not clear whether this is program for both, maritime and inland ports. Procedure for State aid is mostly clear but other definitions and purpose of State aid in Croatia is not well defined.

4. Conclusions [Miroslav Mađarac (PAV)]

Mr. Mađarac thanked everyone for their participation and valuable inputs and pointed out recommendations as follows.

Recommendations:

To improve national legislation regarding the State aid
To give more detailed and clear definitions and regulations about State aid in State Aid Guidance's (2017-2020)
To clearly define State aid for maritime and for inland ports in State Aid Program of the Ministry of the Sea, Transport and Infrastructure
To provide more information about State aid in general on national level
To provide necessary training by the Ministry of finance to other Ministries in order to use State aid funds and to develop the ports





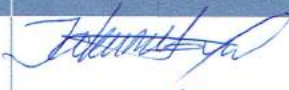




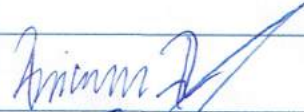



” National Workshop for Improvement of port legislation and Model for State Aid Schemes”













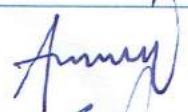
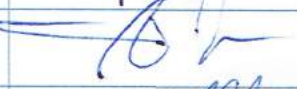

List of Participants




Date & Time: 10 May 2018, 10:30

Venue: Seosko gospodarstvo Ivica i Marica, Ive Lole Ribara 8A, 31315 Karanac

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DAPhNE

WP3 – NATIONAL WORKSHOP

Legal Framework & State aid Workshop

Workshop: the legal regulatory environment and the state aid system of ports

PROGRAM

Location: Headquarters of Freeport of Budapest Logistics Company,
1211 Budapest, Weiss Manfréd Street 5-7., „Répaház”, 2. floor

Date: 17th April 2018

The aim of the event is to familiarize the participants involved in port regulations and support with the content and conclusions of the Hungarian report on port regulations and state aid and provide participants the opportunity to give feedback and suggestions, which will be incorporated in the DAPhNE project, which serves the harmonization of port regulations and the creation of a common strategy.

The circle of people invited to the event is made up of port operators, port authorities, law-makers and experts, who are making the survey, the conversation is facilitated by a moderator.

9:30 – 10:00	Registration, coffee
10:00 – 10:20	Greeting and visiting the Maritime Museum Capt. Béla Szalma – Hungarian Federation of Danube Ports
10:20 – 10:30	Presentation: In short, about the DAPhNE project: the achievements, goals, the fate of the proposals gathered during the workshops Performer: Mónika Thury, Hungarian Federation of Danube Ports
10:30 – 10:50	Presentation: The legal regulations of ports in Hungary – Description of the content of the report on Hungarian legal regulation, summary of its findings Performer: dr. Levente Rövid, legal expert
10:50 -11:00	Questions & answers
11:00 – 13:00	Workshop: interactive discussion and common thinking about port regulations, discussing and collecting comments and suggestions from participants to improve the legal regulatory environment Moderator: Mónika Thury, Hungarian Federation of Danube Ports <i>Meanwhile: coffee break</i>
13:00 – 14:00	<i>Lunch break</i>

13:00 – 14:00	<i>During the lunch break: presidency and monitoring committee meeting of Hungarian Federation of Danube Ports</i>
14:00 – 14:20	Presentation: The system and regulation of Hungarian state aid programmes - description of the content and results of the completed report Performer: Ágnes Zarándy, state aid specialist
14:20 – 14:30	Questions & answers
14:30 – 15:30	Workshop: interactive speech about state aid regulation, discussing and collecting the comments and suggestions from participants connecting to the development of state aid programmes Moderator: Mónika Thury, Hungarian Federation of Danube Ports Meanwhile: Coffee break

Organiser of the program is Hungarian Federation of Danube Ports. Workshops are held within the framework of DAPhNE project. Organizers reserve the right to change the program.

Project co-funded by European Union funds (ERDF, IPA) and by the Hungarian State.



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DAPhNE

National workshop on port funding - Hungary (17/04/2018)

Work Package 3, Activity 3.3 State-aid schemes for funding investments in ports

Output: 3.1 Workshops on port legislation & state-aid schemes

PP responsible: HFIP

Date: 18/05/2018

Version 1.0 (final)



Document History

Version	Date	Authorised
Version 0.1	23/04/2018	HFIP
Version 1.0	18/05/2018	HFIP

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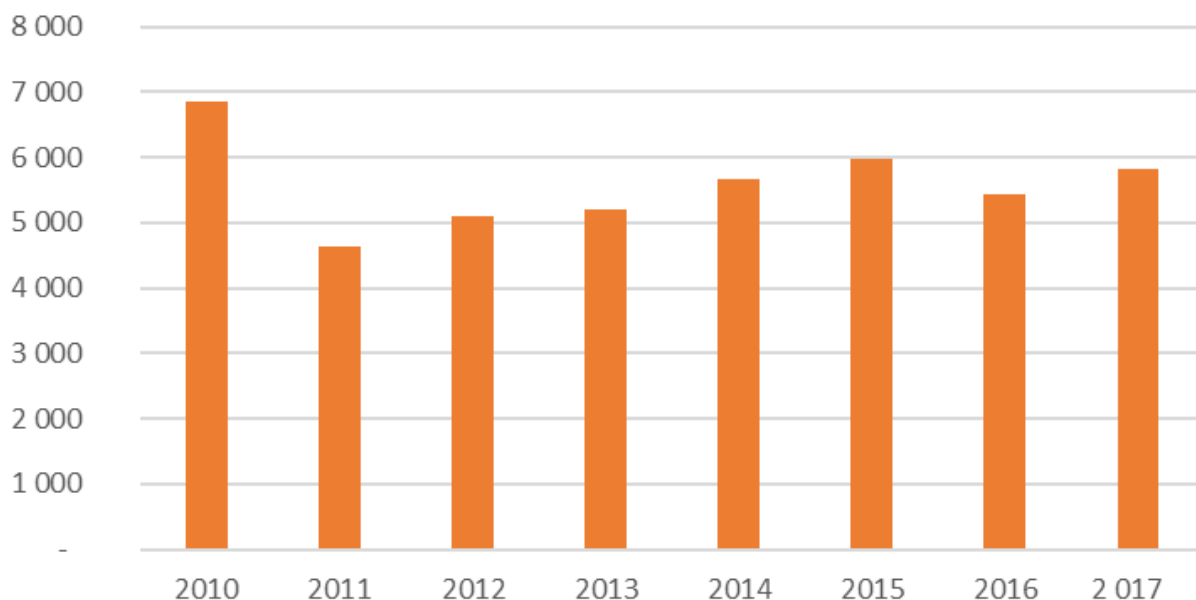
1 State aid workshop 17 April 2018 at the Freeport of Budapest, MAHART conference room

Workshop moderator Monika Thury welcomes again attendees and introduces the topic and state-aid expert of project DAPhNE, Ágnes Zarándy.

Ágnes Zarándy // state-aid expert, HFIP

- Summarizing the most crucial aspects of state-aid
- Professionals in the room are familiar with the basics
- Content of presentation before the workshop
 - o what is state-aid?
 - o Hungarian legislation and regulation is in line with the Commission's policy
 - o Data and stats presented in the slides are sourced from Ministry of National Development. These are based on data provided to the Ministry by ports, as such, this presentation is a feedback to stakeholders. (Methodology of data collection is based on NST 2007 adapted in the EU)
- Cargo traffic in Hungary 2010-2017 is determined by agriculture and its productivity
- Share(s) of IWT (and rail) in the modal split has been decreasing unfortunately, in opposition with the EU directives i.e. these should be raising to reduce the share of road transport which is the most polluting way of transportation.

1. Figure Waterside loading and unloading in Hungarian ports, overall



Source: Ministry of National Development

- Weight of goods loaded and unloaded in Hungarian ports in 2010-2017 according to sources by the Ministry is 5.8 tons annually.
- Data is based on the so-called OSAP statistics. After introducing the above mentioned IT solution, 'KIR', stats will be more easily accessible.

- Traffic data is provided by port operators; 55 berths by 44 port operators.
- Loading is more than unloading due to technology and due to the nature of goods.
- Loading is dominated by agricultural products. Unloading is dominated by coke, coal, crude oil, and lignite (20%)
- In terms of port development projects, investments are determined by the most common product types ports are handling – whether it is solid, bulk, break bulk, liquid or container.
 - o Bulk products are dominating (70%), agricultural goods included.
- Container traffic is expanding, from 2016 to 2017, it almost doubled.
- Commission is the legislative body; due to its lack of experience (compared to road and rail transport), IWT receives less support than road and rail transport.
- Member States shall apply and manage rules jointly.
- State-aid is not as complicated as it looks like. Main characteristics are as follows:
 - o state aid is ‘any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market’
 - o activity threatening market competition shall not to be supported, granted in any ways
 - o what is aid? Financial support provided by EU, national or local governmental level to entrepreneurship
 - o what is an entrepreneurship in this context? Any kind of organization dealing with economical activities.
- Exemptions from under state-aid regulation
 - o notification process: Commission is notified about the project to be implemented, Commission decides whether certain project can be supported, or it is against competition.
 - Earlier, when there was no notification process for ports, larger national public ports had to wait for years till the Commission came out with a positive or negative decision, and then the project switched to the domestic authority.
 - o In order the Commission not to analyze similar issues projects by projects, General Block Exemption Regulation (GBER) has been introduced: there are thematical questions and issues, exemptional rights allowing projects to be granted even if they have economic impact e.g. cultural activities, R&D, and in cases of ports, local infrastructure development is allowed to be granted since ports are logistics centers too.
 - o De minimis is the term for small-scale granting system. Below EUR 200,000 projects implemented by the same organization in the time frame of 3 years can be granted. This is such a low volume of grant, it is not distorting local or national competition.

- Hungarian experiences
 - o There are examples for every type of exemption
 - o Since 2010, Hungarian ports have received HUF 30 billion grants (~ EUR 96 million) in total, their own contributions have been HUF 5 billion (~ EUR 16 million).
 - o Intensity of support have been varying between 50-100%
- Greatest programs serving as framework of port development within which, ports could and still can apply for grants are Integrated Transport Development Operational Program (IKOP) and Economy Development and Innovation Operational Program (GINOP).
 - o GINOP exclusively supports SMEs (ports could apply for grants for developing their logistics centers in the frame of GINOP 1.2.5)
 - o In the frame of IKOP 2.1.0 state-owned and public ports could apply for grants. Private ports could not apply for these call for proposals.
- Aid schemes and examples
 - o Notification – larger port projects had to be investigated one by one by the Commission.
 - o GBER
 - Three ports have applied for grants for local infrastructure development, one has already received supporting decision.
 - Grants aiming port development already exist, however no one applied for that yet.
 - o De minimis – two successful grant scheme during the 2007-2013 financing period Transport Development Operational Programme
 - o Non-state-aid, public support is for instance the mobile flood dam being constructed in the Freeport of Budapest.
- Beneficiaries
 - o National public ports
 - o Port owners
 - o Port authorities, management
 - o Port operators especially in cases of de minimis grants
 - o Other organizations e.g. Emergency and Disaster Information Service (RSOE), Hungarian Association of Logistics Service Centers (MLSZKSZ) etc.
- What are those elements that can be granted in inland ports? What are the elements of local infrastructure?
 - o Aid for ports: upgrading embankment, inner railway network, dredging the river basin are eligible activities. Development of port establishment, buildings, equipment, cranes, mobile facilities cannot be granted since they are closely related to economic activities.
 - o Local infrastructure: any infrastructure of the purchase of equipment is eligible in logistics centers, but port infrastructure is excluded.

- The clear and harmonized definition of port infrastructure is necessary for the proper application of the two GBER articles.

Q&A, recommendations, comments

Gergely Kiss // Ministry of National Development

- Ministry supports the Presidency who is responsible for communication with the DG Competition on state aid issues, the eligibility criteria, definitions and their use in practice. Commission shall be convinced to be partners in clarifying these confusing definitions and rules.
- As long as definitions are not clear, grants cannot be provided either. This is the reason to the fact the so far no open call have been published in the frame of IKOP.

László Szucsányi // Port of Dunavecse

- In case of Hungary, experts had to explain to the Commission what the differences are between inland and maritime ports.

Roland Kolluti // ÁTI Depo Zrt.

- It would be important for larger corporates to be eligible. ÁTI is member of a large group owning a hotel chain which makes them non-eligible to apply for grants.

Ágnes Zarándy // state-aid expert

- Company size only matters in cases of calls for proposals published in the frame of GINOP. In case of IKOP, there is no such barrier.

Gergely Kiss // Ministry of National Development

- Opportunities and terminology to be clarified in the EU. On the other hand, funding sources are not available yet in new constructions.
- In the framework of IKOP, only dedicated (priority) projects can be implemented. Dedicated national public sources are for completing these projects.
- In the actual list of the dedicated projects, demand for sources significantly exceeds the budget.
- At the end of the financing period 2007-2013, when de minimis construction has been introduced, various financial sources became available.
- A good example from recent years is the fluent administrative process with Public Port of Baja. Contract was declared by partners quickly and procurement is being progressed very well.
- Currently there are no calls for proposals, only the list of dedicated projects are to be implemented.

László Szucsányi // Port of Dunavecse

- It is a major issue that IWT development lags behind other modes of transport questioning neutrality of competition

Gyula Pozsgai // Budapest Danube Port

- Sooner or later there must be new calls for proposals to open, but currently notification processes are not transparent or have not finished.
- Projects being implemented presently must be completed by 2021.

László Szucsányi // Port of Dunavecse

- What about the relation with the Commission?

Gergely Kiss // Ministry of National Development

- Ministry has a good relationship with the Commission. However, official communication is the Presidency's responsibility.

Ágnes Zarándy // state-aid expert

- When will new calls open? It depends on the implementation of large projects. The issue of the GBER articles is unclear in cases of many Member States.

Gergely Kiss // Ministry of National Development

- Member States shall be jointly lobbying and communicating with the Commission.




















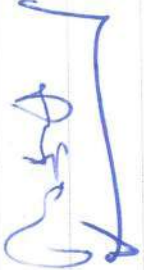
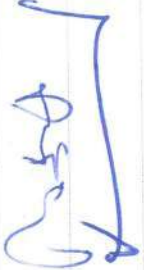
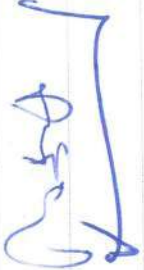
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National workshop on State aid schemes HU


Budapest, 17th April 2018

1211 Budapest, Weiss Manfréd út 5-7.

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Duration 08:00-12:00	Workshop National workshop on the status of port-related legislation for DAPhNE project
	Venue: Hotel Safron Radlinského 27, 811 07 Bratislava
	Date: 21.06.2018
	National workshop on the status of port-related legislation for DAPhNE project/ Verejné prístavy
08:00 – 08:15	Welcome speech, introduction to the DAPhNE project
08:15 – 10:15	National report and national workshop on the status of port-related legislation for DAPhNE project
10:15 – 10:45	Coffee Break
10:45 – 11:45	Discussion, search for recommendations on legislation, secondary legislation and other rules in the field of water transport and ports
11:45 – 12:00	Workshop conclusion, final remarks
12:00 – 13:00	Lunch

Venue:

Hotel Safron
Radlinského 27, 811 07 Bratislava
<http://www.hotelsaffron.sk/>
LAT: 48.152466, LNG: 17.116778



Interreg



EUROPEAN UNION

Danube Transnational Programme

DAPhNE

National workshop on port funding – Slovakia (21/06/2018)

Work Package 3, Activity 3.3 State-aid schemes for funding investments in ports

Output: 3.1 Workshops on port legislation & state-aid schemes

PP responsible: VP, a.s.

Date: 26/06/2018

Version 1.0 (final)



Document History

Version	Date	Authorised
Version 1.0	26/06/2018	VP,a.s.

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1 National workshop on State-aid-Slovakia, 21 June 2018 at the Hotel Safron Bratislava (in the afternoon)

The event was hosted by the Slovak partner of DAPhNE, Verejné prístavy, a.s. (VP, a.s.). The meeting was chaired by Mr. Tomáš Červeňák project manager and by Mr. Matúš Pošvanc, subcontractor and Lucia Guzlejova, expert on the State Aid.

Introductory notes, objectives of the workshop

The meeting started with greeting of participants. Mr. Cervenak introduced project DAPhNE – its aims, objectives, activities and general scope of the project.

First part of the workshop – State aid report template

Mr. Matus Posvanc introduced the scope of works on the State Aid report template. He was also the moderator of the session.

Mrs. Lucia Guzlejova, expert on the state aid presented the State Aid report template and all findings connected with the topic. The presentation was focused on following chosen topics:

- The State Aid Presentation explained the principles and concepts, defined forms of state aid, supervision and approval of state aid as well as examples of state aid in the Slovak Republic
- Furthermore, the presentation was devoted to national water transport, its current use, Danube Ports and current trends and existing trends between 2010 and 2017
- The presentation focused also on the possibilities of funding projects in national water transport through the European Union Funds, Connecting Europe Facilities, Interreg SK-HU, Interreg SK-AT. These potential funding options are directly connected with some activities in the water transportation.
- Finally, a summary of the National State Aid Document and potential recommendations was presented.

Mr. Posvanc closed the presentation and made remarks about it.

Coffee break

Discussions and Recommendations

The session moderator was Mr. Matus Posvanc. He tried to stipulate participants to comment and express their opinions as much as possible.

The basic questions raised at the end of the presentations as an introduction to the discussions were:

1. Can we adjust current property setting in public ports?
Set up proprietary relationships between VP, a.s. and SPaP, a.s. separates ownership of land and infrastructure; complications for implementation of investment projects.
2. What are potential sources of financing the development of the port of Bratislava,
There is a potential to finance development of the port under the Operational Program of Integrated Infrastructure (OP II) OP II allows preparation of pre-project and projects documentation of the port Bratislava and further to transfer the results of this preparatory projects to the investment project
3. Identification of other sources - CEF Transport, Interreg
OP II does not allow the support of the ports in Komárno and Štúrovo, their development can be financed through other sources?

Q&A, recommendations, comments

State aid principles

Participants discussed what is and what it is not the State Aid. They agreed that state aid is such measures in favor of enterprises that meet all these four cumulative criteria:

- transfer of public resources,
- economic advantage of the beneficiary,
- the selectivity of the aid measure,
- potential impact on EU competition / internal trade.

The discussion was also about the topic if the state aid is only a subsidy. It was stressed that there are two forms of the state aid: direct and indirect. The direct form of the state aid is in particular grant, contribution, grant, the payment of interest or part of the interest on the loan provided to the entrepreneur, payment of part of the loan, or repayable financial assistance.

An indirect form of state aid is in particular e.g. to provide a state guarantee or bank guarantee, granting tax relief or penalty payments, fine, interest or other sanctions, selling property of a

state or municipality at a price lower than the market price, or postponement of tax payment or payment of tax in installments.

Participants also discussed the connection of the state aid with some negative emotions. However, they agreed that the State aid will always exist and it is not necessary something bad or wrong. It is necessary to set rules in a way that it does not interfere with competition principles. It is also about precisely to define activities that fall under state aid.

Similarly, the participants of the workshop agreed that some economic areas - not just the water transportation - will always be dependent on the state aid.

The participants also agreed that it would be appropriate to focus some port-related analysis on the definition of activities in ports where it is clearly not possible to use State aid but also to activities which, by their very nature, are not only appropriate to the State aid, but they are completely dependent on it.

Within this part of the workshop It was also discussed the topic of National Carrier in the field of water transportation. The participants were informed that analysis about the National Carrier will be prepared. The topic was set up by politicians at the beginning of the new election period and analysis will evaluate this proposal.

Development Funds

The second part of the discussion was focused on the possible development funds and conditions under which are these funds available. It was mentioned once again that the crucial point for the further development of the Port Bratislava within the following period is dependent on the agreement between VP, a.s. and SPaP, a.s.. The essence of the problem lies in a non-standard division of ownership between VP, a. s., which owns the land, and Slovenská plavba a Prístavy (SPaP), which owns the infrastructure and superstructure in public ports and leases land from VP, a. s, in the long term. This limitation has a major impact on the formulation of a long-term concept of the development of public ports in Slovakia. This is considered as one and foremost important problem by all participants of workshop. Once this is solved, there is possibility to finance reconstruction and investments in ports areas. The long-term contracts prevent to use European funds for further port development.

Participants of the workshop discussed then possibilities to use the OPII funds, CEF funds and Interreg funds. It was stressed that it is only 137 mil. eur planned under the OPII to use into the development of water transportation. It is possible only to think to increase the allocation which is depend on the pre-prepared project phases as well as on the ability of other transportation modes to use their funds.

It was also stressed that other ports on the Danube River need to try find development funds within other sources due to the fact that the priority of the OPII is focused on the Bratislava port.

It was stressed that the Interreg projects are only additional and could be used for improving relations among partners (SKK, HU and AT) on the Danube River.












Conclusions

Participants of the workshop express their resolution and enthusiasm about further developments of Slovak ports and water transportation. The topic of State aid is one of the crucial topics related with further development of Slovak public ports and water transportation in Slovakia.



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