



Interreg



EUROPEAN UNION

Danube Transnational Programme DAPhNE

Output 3.1 Workshops on port legislation

Work Package 3 Port Legislation & Funding

Activity 3.2 Improve & harmonise port legislation

Date: 27/06/2018

Version 1.0 (final)



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Introduction

In the framework of the Work Package 3 and the sub-activity 3.2 (port legislation), 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 legal topics which have been investigated in the national reports and which were discussed during the workshops contribute to disclose information that will enable the Danube Ports to reach, in the long run, the objectives to uncap the potential of Danube ports as hubs for economic development that are desirable business locations, to put in place high-quality infra- & superstructure all along the Danube ports, to facilitate cost-effective and easy-to-use port services and to ensure lowest possible eco-footprint in the construction and operation of Danube ports.

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

This document intends to give an overview on the national workshops on port legislation 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 3.2. National Workshop regarding the improvement and harmonization of port legislation
	Venue: Ibis Hotel, Constanta Date: 28.03.2018
	Opening session
09.00 – 09.30	Registration & Welcome Coffee
09.30 – 09.50	Welcome speech : Mr. Nicolae Dan Tivilichi - General Manager of CN APM SA Constanta (MPAC)
	Plenary session
09.50 – 10.10	Presentation of DAPhNE Project Mrs. Andra Opreanu – DAPhNE Project Manager (MPAC)
10.10 – 10.40	Examples of best practice at European level regarding port regulations Mr. Dorin Raicu - MPAC responsible for activity 3.2.- Improvement and harmonization of port legislation
10.40 – 11.10	Presentation of private sector experience on licensing of activities and carrying out investments in Romanian ports Mr. Silviu Rădulescu - representative of the Constanța Port Business Association
	Keynote speeches
11.10 – 11.40	Presentation of Activity 3.2 - DAPhNE project and structure of the National Report on Improving and Harmonizing port legislation Ms. Nicoleta Acomi , Atlas Research, External Expert of MPAC
11:40 – 12:40	Debate on the national report on Romanian ports legislation Opinions from private operators, discussions, recommendations on applicable legislation in Romanian ports
	Review of the day
12:40 – 13:00	Conclusions

	Mr. Costel Stanca - Ph. Dr. Engineer, Atlas Research, MPAC External Expert
13:00 – 14:30	Lunch <i>hosted by MPAC</i>

Venue: Hotel Ibis, Constanța

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

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



Interreg



EUROPEAN UNION

Danube Transnational Programme

DAPhNE

National workshop on port legislation – Romania (28/03/2018)

Work Package 3, Activity 3.2 Improve & harmonise port legislation

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

PP responsible: MPAC

Date: 02/05/2018

Version 1.0 (final)



DAPhNE Project – Activity 3.2. – National workshop regarding the improvement and harmonization of port legislation

Date: 28.03.2018 / 09:00 – 14:30

Venue: Hotel Ibis, Constanța, Romania

Number of participants: 65

List of participants: annexed

Agenda: annexed

The Minute was written by MPAC

The event was held in Constanta at the Ibis Hotel on March 28, 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 agenda, and an event evaluation questionnaire.

1. Deschiderea

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

Mr. Nicolae Dan Tivilichi - General Manager of MPAC welcomed the participants and analyzed the priority issues for legislative harmonization, integrating consumer interests into Community policies, and coordinating Community policies and regulations to safeguard the interests of riparian countries. He also appreciated that although there is an impressive amount of legislative documents, there are no incentives in Romania for reducing the cross-border port impression; while taking into account international legislation on the reduction of pollutant emissions, there is no legal framework to encourage port operators or other port undertakings to reduce polluting emissions. In addition, there is no legal framework or specific procedures in Romania to provide incentives to infrastructure users or port superstructure, port operators, or investors using port locations. These are a set of issues that should be put into the analysis of the Romanian Executive and harmonized with the countries of the Upper Danube, thus creating the premises for "the same river, the same rules".

2. WP 3.2.- Presentation of the DAPhNE Project (Andra Opreanu - MPAC) and Good Practice Examples at European level, regarding the port regulation (Dorin Raicu - MPAC)

Mrs. Andra Opreanu – DAPhNE Project Manager (MPAC) - introduced to the audience "The DAPhNE Project - The Danube Ports Network", giving details of each work package out of the six provided, each package being analyzed as a step towards achieving its the goal, together with the human and professional actions and interactions that made these developments possible to achieve the unique principle "the same river, the same rule" goal.

Mr. Dorin Raicu - MPAC responsible for activity 3.2.- Improving and harmonizing port legislation, presented "European best practices on port regulation". He approached the topic regarding the legal requirements to the port regulations (with analysis on the Law no. 235/2017 amending and supplementing Government Ordinance No. 22/1999 and Order No. 636/2010 for the approval of the Port Framework Regulation); Content elements of port regulations in Romania; Legislative examples applicable in ports (Rotterdam and Bremen) and conclusions regarding the operation and storage of dangerous goods in ports; traffic in ports; collection of taxes; environmental protection requirements; incentives for environmental footprint.

3. Presentations of the private sector

Mr. Silviu Rădulescu - representative of the Constanța Port Business Association, presented the "Authorization of activities and investments in Romanian ports". He discussed about the stages in the authorization of investments; examples / barriers and potential for improvement of authorization activities, concluding with comments and conclusions on recommendations for simplifying administrative formalities; suggestions to remove non-competitive and discriminatory opinions; creating an integrated private investment office into MPAC(quantifying the number of authorized projects/ volume of attracted traffic /volumes of private investment attracted), as well as starting an online application for tracking the approval status in connection with the City Hall application, a so called - Ghiseul.ro. (Desk.ro)

4. Presentation of the activity 3.2. by external experts

Ms. Nicoleta Acomi – Atlas Research, External Expert of MPAC, presented the "National Report on the Improvement and Harmonization of port legislation", prepared as a deliverable analyzing the legislation applicable to the Danube ports Drobeta Turnu Severin, Giurgiu, Galati Sulina, Brăila, Tulcea and maritime port of Constanța. The purpose of the document is to identify the role of public funding in relation to port freight investment in the Danube region, based on an analysis of: the legal framework for port regulation; types of ports; current port management models; port infrastructure in accordance with the national legislative framework; the port superstructure in accordance with the national legislative framework; dredging in ports; port financing; the requirements included in the port

regulations; rules and regulations for port operators; incentives for operators and port investors.

The legal subjects chosen to be investigated in the reports will allow Danube ports to achieve the following long-term objectives: to become centers of economic development; to have high-quality infrastructure and superstructure all along the Danube; to provide efficient and user-friendly port services; to have a minimal ecological footprint in the construction and operation of ports.

5. Opinions from private operators, discussions, recommendations on Applicable Laws in Romanian Ports

Mr. Costel Stanca – Atlas Research, External Expert of MPAC mediated the debate session that ended the workshop. The participants were invited to further examine the proposal for a "National Report on Improvement and Harmonization of port legislation" and to communicate their views or proposals to amend / improve this document, within one week.

6. Conclusions

First of all, the presentations listed during the national workshop regarding the improvement and harmonization of port legislation" contributed to the dissemination of the DAPhNE project and the aims it proposes. Discussions and exchanges of particular views have launched new facets of the interaction between port management and port users, being the structure of the future strategy to be launched for legislative harmonization of the riparian countries.

Further to this workshop, the MPAC will issue a National Legal Report (D.3.2.2.) and on the basis of the results of the discussions, recommendations will be collected (D.3.2.3) that will contribute to the preparation of a final document that will include general recommendations on port legislation, valid 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 to enjoy the lunch offered by the organizers (MPAC) in the Ibis Hotel's restaurant in Constanta.



List of Participants

National Workshop regarding the improvement & harmonization of port legislation

Hotel Ibis, Constanta
28 March, 2018




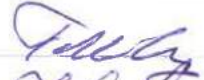




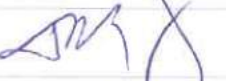


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Duration 10:00-17:00	DAPhNE
	NATIONAL WORKSHOPS ON PORT LEGISLATION & STATE-AID SCHEMES
	Grand Hotel Sofia
	Date: 19.05.2018
	Bulgarian Ports Infrastructure Company
10:00 – 10:30	Registration
10:30 – 10:40	Welcome speech - Stoyan Hristov, DAPHNE Project 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.



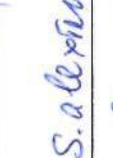




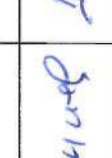

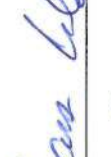


Problems were encountered in connection with timeframe for conducting the events and the specifics of the public procurement procedure for the two national reports.

ПРИСЪСТВЕН СПИСКЪК

НАЦИОНАЛНИ СЕМИНАРИ на заинтересованите страни
по проект Danube Ports Network – DAPHNE с № DTP1-1-196-3.1, финансиран от Европейския съюз по Програма за транснационално сътрудничество „Дунав“ 2014-2020

Четвъртък, 19 април 2018 г.
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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>



Interreg



EUROPEAN UNION

Danube Transnational Programme

DAPhNE

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

Work Package 3, Activity 3.2 Improve & harmonise port legislation

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

PP responsible: PAV

Date: 28/05/2018

Final version



Date: 10.05.2018 / 10:30 – 11:45

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 legal report for Croatia and to collect some 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 Mrs. Iva Horvat (PAV).

2. DAPhNE project – presentation of the main goals and activities of the project [Iva Horvat (PAV)]

Mrs. Iva Horvat (PAV) made a short introduction on the content and main **goals of the Workshop**.

DAPhNE project and its main goals and objectives were presented. It was said that project itself is part of the Interreg Danube Program, Pole 7 Waterbone Transport, same as projects as: DBS Gateway Region, DANTE, DANUBE SKILLS, DANUBE STREAM and GREEN DANUBE. They all have the same mission and this is harmonization and improvement of the inland navigation, transport and ports.

DAPhNE project has one main goal and it is to establish Danube Ports Network. Project started on 01.01.2017. and it ends 30.06.2019. Partners are relevant institutions and administrations from AT, HU, SK, RS, RO, BG and HR. There are also associated partners in project who are actively involved in project activities, form HR Ministry of the Sea, Transport and Infrastructure.

Overall project budget is **2.985.406,15 EUR** and budget of the PAV is 84.759,00 EUR.

All project activities were briefly presented through the scheme with main work packages and main project activities. Project main goals were pointed out – Danube Ports Network establishing through know how transfer, intersectoral and transnational cooperation and new IT solutions (PCS).

Main characteristics and aims of the future Danube Ports Network were presented

3. National Legal Report for Croatia [Iva Horvat (PAV)]

Mrs. Iva Horvat (PAV) presented National Legal Report for Croatia prepared by the external experts. Mrs. Horvat underlined main purpose of such Report – to improve and harmonize port legislation where national level is a starting point. From that point, the goal is to move to identifying solutions applicable at regional level.

The current management model for the inland ports was presented. In Croatia, inland ports are divided to public and private ports. Public ports could be of the State interest (founded and managed by the State) and of the County interest (founded by the County).

Regarding the port facilities there is no division in current Inland Navigation and Ports Law on infrastructure and superstructure although EU regulations have definitions for each. Building permits are given by the Ministry of Construction and Physical Planning. Concessions in public ports could be given for:

- a) port services – nautical and transport services.
- b) using of the common good in ports – for other (than nautical and transport) economic services in ports
- c) building in port – PPP – for port facilities building.

Terms for concessions are too short from the investment return aspect. For transport services maximum length of the contract is 15 years, for other services 25 years and for building 30 years maximum or 50 years with Croatian Government approval.

In private ports concessions could be given up to 50 years.

Land in port has different owners. Since 2001, when Port Authority was established, big part of the land was bought and it is now State owned and Port Authority manages it.

Mid-term Development Plan is outdated and it should contain all guidelines for ports development projects.

After the presentation there was an open discussion:

Mr. Subotić from (**Harbour Masters Office Osijek**) pointed out that location permit is also asked for floating objects in maritime ports so he considers that this regulation should remain the same or to be reconsidered once more. He also pointed out that there is “under regulation” for inland ports and that there is need for more detailed regulations. Harbour Masters Office stands on opinion that there should be two different laws – one for Harbour Masters (navigation) and other for Ports.

Mrs. Nada Klepo (Port Authority Osijek) thinks that possibility for granting concessions on demand (like in maritime ports) should be foreseen.

Mr. Alen Jakumetović (PAV) pointed out that there is a necessity for Regulations for inland wharfs and other, which considers technical terms for ports and wharfs. Ministry established two work groups and nothing has been done until now.

Mr. Zlatko Draganović (Ministry of the Sea, Transport and Infrastructure) thanked for the invitation and presentation of the projects. He said that work groups for two aforementioned Regulations has been expanded and that initial meeting is planned to be held soon. He also said that it is very important to identify recommendations because Act on Inland Navigation and Inland Ports is to be changed soon.

4. Conclusions [Iva Horvat (PAV)]

Mrs. Iva Horvat (PAV) thanked everyone for their participation and valuable inputs and once more pointed out recommendations as follows.

Recommendations:

To legally define infrastructural and suprastructural port facilities
To foresee longer concession contracts duration possibility (transport services)
To consider possibility for granting concessions on demand
To reconsider need and regulation for floating objects location permit issuing in Act on Inland Navigation and Ports
To foresee that land in ports has to be State owned
Development plans for inland ports should be updated on time





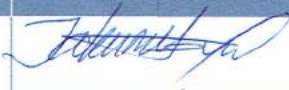




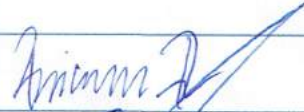



” National Workshop for Improvement of port legislation and Model for State Aid Schemes”













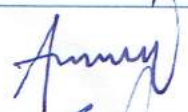
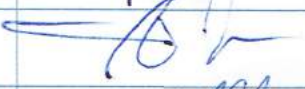

List of Participants




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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Danube Transnational Programme

DAPhNE

National workshop on port legislation – Hungary (17/04/2018)

Work Package 3, Activity 3.2 Improve & harmonise port legislation

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	20/04/2018	HFIP
Version 1.0	18/05/2018	HFIP

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1 Legal framework workshop 17 April 2018 at the Freeport of Budapest, MAHART conference room

The event was hosted by the Hungarian partner of DAPhNE, Hungarian Federation of Danube Ports (HFIP). The meeting was chaired by the president of the Federation, Capt. Béla Szalma. Greeting the participants, he briefly presented the history of Hungarian maritime and inland navigation in the exhibition hall next to the conference room.

Mónika Thury, project manager of DAPhNE at project partner HFIP welcomes workshop attendees and briefly presents project DAPhNE.

Collecting recommendations is the main objective of today event.

6 main topics – covered in the study and to be covered today → participants shall mark with red dots those topics that they are the most interested in:

- Regulations (6 dots)
- Port development (13 dots)
- Administration (8 dots)
- Operational rules (10 dots)
- Other activities (7 dots)
- Environmental issues, ecological facilitators (7 dots)

Levente Rövid, legal expert presents key findings of legal framework report.

In the workshop room, participants must be familiar with the operational aspects of this topic, thus there are only a few issues to discuss:

- Are there enough laws, rules or need to cover more aspects?
- Study completed for this workshop has no exact conclusions yet, today's purpose is to discuss recommendations and suggestions
- HU legislation makes no difference on maritime and river port regulation

Authority – NGM and Budapest Government Agency

From the point of ownership, except national public ports (OKK) there are no special rules for private ports.

Regarding investments and constructions, the major permissions are for new establishment, water issues, which have close deadlines and transparent timing. On the other hand, authority has 90 days for providing environmental permission based on the Environmental Impact Analysis (EIA).

In terms of development and maintenance of port infrastructure, the followings shall be clarified

- Responsibilities and rights
- Differences between infrastructure and superstructure, (rather a state-aid issue)
- Management's responsibility
- Water management in cases of state-owned and state-operated ports

Permission for elimination

Shipping Authority under the Transport Authority is the responsible institution that is merged in the Ministry of National Development

According to current communication policy, port rulings and traffic fees must be transparently hung in the port area. However, today port rulings shall be accessible rather online or via QR code, etc.

There are no special permission processes ruling ports exclusively.

Other activities

- There is no special legislation on e.g. training program on port operation and port management

Regarding public procurement, there are no factors making the process more fluent or burdening it.

- Procurements depending on certain conditions
- Public procurement processes may differ in ports operated directly or indirectly by the state

There is no special legislation regarding environmental incentives in Hungary. Although, it does not mean, that for instance a construction of a call for proposal could not define certain frames.

Q&A, recommendations, comments

Capt. Béla Szalma // president of the Hungarian Federation of Danube Ports

- Regarding the port operator training, it received positive feedbacks, ministry and private companies are interested in a future second class.
- The training program and learning materials must be updated and modernized.
- It is a pity that there are no special legislations on training and education.

Levente Magyar // Shipping Authority

- Regarding human resources and capacities in inland cargo ports, there must be enough and well-trained professionals dealing with various tasks, however, according to his experiences, there are less and less professionals owning the required skills and competencies. The reason to that is partially due to an unclear legislative background.
- And this field is to be improved, since for instance in cases of the Lake Balaton and other shipping systems with sport purposes, various exams and certificates are necessary to hold.
- Related declarations have changed and raised onto a higher legislative level. There has been a structural change in case of 510/2017 that may cause issues with permission processes. It has overwritten law 50/2002.
- Environment protection processes have also changed and become more complicated due to the new legislation
 - o Concerning establishment on water, rights to provide environment protection permissions are no longer belonging to the permitting authority.
 - o By 30 December 2016, Transport Authority became department of Ministry of National Development with both national public ports and border crossing ports
 - o permission warranties shall be part of legislation in practice again

- Due to the new legislation, environment protection permission processes can take a year for larger ports in Hungary

György Bálint // Hungária Agro Kft., Port of Baja

- It is crucial for port operator and port managers to have competencies at economics. However, it does not have to be ruled by law as long as investors in the port are responsible for employing workers.

Levente Magyar // Shipping Authority

- Theoretical permissions for controlling whether there are water establishment in 1000-meter catchment area of a certain port is a possible way to supervise authorities work.

László Szucsányi // Port of Devecse

- Permissions of the port of Dunavecse are valid for 10 years. 10 years ago, for receiving environmental permissions, 4 different authority departments in 4 different cities in South-Hungary had to be visited.
- Very difficult to make businesses if partners are not familiar with environmental issues and permissions and what are the partner's and what is the port owner's responsibilities.
- The most important elements shall be regulated only, others shall be depending on the market.

Rácz Tibor // Concordia Közraktár Zrt., Port of Fadd-Dombori

- Since he took part in a port logistics training program in Antwerp in 2015, he has been wondering to adapt this good practice in Hungary for workers at national public ports, but with special attention on education of colleagues from other ports
- In cases of multimodal ports, both waterway and railway logistics must be parts of courses in training programs, since handling different modes requires high level skills and competencies

László Nagy // National public port of Baja

- In case of construction of any sort of water establishment, investor needs to rent embankment and water surface from the state (Water Authority). It is against IWT development, that legislation let the authority providing the permissions out of the contract in 30 days. If investor invested HUF 10 million (~ EUR 30.000), it is a very high risk and against developing more and more ports and port capacities for more fluent and flexible inland waterway transport.

Levente Magyar // Shipping Authority

- In case of establishment permissions, spatial contribution is required, however contracts on river basin utilization can be valid for shorter and longer terms.

- This is an odd element in the legislation. Water Authorities shall be more incentive. Paying fees due to use of river basin on an international IWW is ridiculous.

László Nagy // National public port of Baja

- Additions to the previous comments, Water Authorities may define different fees and may collect fees retroactively.
- Environment-friendly modes of transportation ought to be supported by the state and not restricted with various fees and taxes.

Workshop moderator *Monika Thury* introduces the next step.

- Attendees shall put stamps 'hearts' and 'light bulbs' under the 6 topics written on flipchart and presented before in details by legal expert *Levente Rövid*. Stamps represent attendees' satisfaction with or interest in development of a certain field of regulation.
- Additionally, regarding demand for well-trained labor force in ports, moderator invites attendees to HR development workshop in the framework of DAPhNE held in May 2018 to discuss specific needs on employees.

Conclusions

Stamps put on the flipchart shows that stakeholders are the most satisfied with legal fields of other business activities and port operations (the least 'light bulbs' are put under these topics)



Legislation, regulation and environmental issues are the two topics with the most 'light bulbs' showing that this field have to be improved.

László Szucsányi // Port of Dunavecse

- The major problem with the flipchart is that stakeholders might mean different things by definitions, therefore stamps might have been put as they have.
- EKÁER (Electronic Public Road Trade Control System) for instance has *insane* administrative requirements. However, need for developing the field of administration is not represented on the flipchart.
- Hungarian Federation of Danube Ports has been lobbying for the simplification of administration processes, but so far without real success.

Roland Kolluti // ÁTI Depo Zrt., Port of Baja

- Authorities has become stricter when controlling documents regarding loading and storage of different cereals.

Levente Rövid // legal expert in DAPhNE

- Six topics presented as such are only for starting a brainstorming process, and in case of questions and comments, opinions on different fields of legislation, stakeholders should not hesitate to share ideas on
 - o whether the hierarchy of legislation is acceptable or not;
 - o certain actions shall be regulated on lower on higher level;
 - o environmental issues to be supported by a clear legal framework

Monika Thury // workshop moderator

- Do not hesitate to share ideas, as we can later clarify the ideas' 'location' on the board. Although, whoever comments, please, clarify which field she/he would regulate.

Levente Rövid // legal expert in DAPhNE

- We already noticed based on the comments so far, that regulation framework and environmental incentives are not satisfying.

Levente Magyar // Shipping Authority

- Water related legislations are not put in place in the hierarchy of transport regulations.
- As already mentioned, ministerial declaration could become a governmental declaration which is odd; executive authority shall not have the right to be legislative body at the same time. It is unhealthy for the economy.
- Waste management, loading and handling by-products have high financial needs

László Nagy // National public port of Baja

- State of Hungary constructed the Green Port and is leasing it to the Public port of Baja.
- In abroad, port operator receives financial support from the state for maintaining such an establishment thanks to the system of environmental product fees build in the prices of polluting products e.g. fuels, oil later deposited as waste at such a green port.
- Meanwhile, in Hungary, shipping companies depositing their waste need to pay for the service which is contra productive.

Capt. Béla Szalma // president of the Hungarian Federation of Danube Ports

- Major problem regarding legal framework of inland navigation is that authorities regulating smaller and larger ports are separated.

Levente Magyar // Shipping Authority

- Reasons to such separation are not in line with economic patterns.

Gergely Kiss // Ministry of National Development

- In terms of regulation on port operation, it is very important to clarify the difference between port operator and port manager and maintainer. Especially, in terms of state-aid rules. Unfortunately, definitions are used inconsequently by the European Commission too.

11:35-11:59 coffee break

Monika Thury // workshop moderator

- Anybody else willing to add further comment, question?
- Do not hesitate to share unrepresented ideas, suggestions.

Levente Magyar // Shipping Authority

- Clear definitions are very important indeed. In smaller ports, a port operator may have property and receives rights to operate in the port, however in case of an investment with bigger volume, maintainer is responsible for the development of dredging the river basin and other improvement of infrastructural elements which activities require special permissions.
- From the point of authorities, it would be easier for them to be in contact with only one organization, company per port and not dealing with port owner, manager, operator, etc.

László Nagy // National public port of Baja











- Improvement of administration processes is related to the current development of KIR (Kikötő Információs Rendszer – Port Information System). In order to ensure fluent information flow and easier administration processes among actors in shipping and port industry, modern IT background is necessary. In order that, statistical office shall collect data with special attention to possible users of sensible pieces of information, and perhaps these statistics shall be published by the Office to stakeholders.












LIST OF PARTICIPANTS















National workshop on Port legislation 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 legislation – Slovakia (21/06/2018)

Work Package 3, Activity 3.2 Improve & harmonise port legislation

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

PP responsible: VP, a.s.

Date: 26/06/2018

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Document History

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

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1 Legal framework workshop 21 June 2018 at the Hotel Safron Bratislava

The event was hosted by the Slovak partner of DAPhNE, Verejné prístavy, a.s. (VP, a.s.). The meeting was chaired by the Head of the Development and Project management Unit Mr. Tomáš Červeňák and by Mr. Matúš Pošvanc, subcontractor.

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 - National legal report template

Mr. Matus Posvanc introduced the scope of works on the National legal report. The presentation showed what basic topics of the National legal report are. The presentation was focused on following important topics:

- Description of the current port governance models (Regulatory framework, division of competences)
- Investing in ports, construction and permitting (especially responsibilities for investments in ports)
- Port financing: Rules & Practices (especially rules and procedures for public funding of port investments)
- Port fees and Port bylaws
- Environmental issues

Mr. Posvanc presented key findings of legal framework report and familiarized the workshop participants with them in the first part of the workshop. The presentation went through all topics and all findings were presented. Participants of the workshop were selected as experts in the area of water transportation so they were familiar with most aspects of legal environment concerning water transport and ports operations.

Coffee break

Discussions and Recommendations

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

1. How do you assess the current state of legislation, secondary legislation and port bylaws?
2. Where do you see explicit room for improvement of legal practices?
3. Are there examples of good international practice that could be transferred to Slovakia?
4. What are main legal problems (any) connected with the further development of Slovak ports?
5. Which involved stakeholders could affect the legal situation to support the development of ports in Slovakia and water transport activities generally?

Q&A, recommendations, comments

The topics that the participants of the workshop addressed are listed and ranked according to their importance for the workshop participants themselves:

1. Long term contracts in public ports

The main problem connected with further development of Slovak ports from the legal point are long –term contracts between VP, a.s. as a port administrator and Slovenská plavba a Prístavy (SPaP) as a port operator which owns port infrastructure and superstructure. VP, a. s., as an operator of public ports is burdened by a number of long-term contracts concluded in the past. Therefore, its existing commercial legal relationships and provision of sufficient funding are the main obstacles to the development of public ports in Slovakia. 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. The long – term contracts are in force until 2027.

One possibility how to solve the problem discussed is agreement between VP, a.s. (or Ministry of Transportation and Construction of Slovak Republic – MTC SR) and SPaP on some kind of swap of the ownership. However the main problem connected is whether it is sustainable for

Bratislava port to deal with this swap and if the port is operational without any pool which could be subject of the swap. The second problem is that these discussion agreements were never object of any policy. The other question with the problem is whether the deal is win-win situation.

All participants agreed that the issue is necessary to describe in the Master Plan of the Bratislava Port which is updated at present time. The Master Plan should state all possible strategies to deal with the issue and should suggest best possible development scenario for the Bratislava Port.

The long term plan of the VP, a.s. is to operate in the mode of multiple operators within public ports. The port Bratislava is however priority at present time. The legislation does not define any restrictions to operate in this mode. The only problem are before mentioned long-term contracts.

The only restriction which is explicitly in the legislation right now are connected with avoiding of other disadvantageous contracts related to priority assets of ports. Participants of the seminar concluded that present legislation is sufficient to prevent the similar mistake which happened in the past.

2. Competences

The second most important task of the workshop was division of competences among – MTC SR, VP, a.s., Transport Authority, Slovak Water management Enterprise, (state owned) and the Waterborne Transport Development Agency. All participants considered the division of competences as problem however there were some logical steps behind the division of competences in the past. The main problem connected is that division of responsibilities was not followed by the necessary funds. All participants agreed that the second main issue connected with the development of ports and water transport in general is under funding of the water transport in comparison to other modes of the transport in Slovakia.

The only possibility for the improvement of the situation is better communication and cooperation between all parties involved in water transportation in general. One possibility is to set up multi-sectoral communication platform to coordinate all activities carried out by all subjects many time in separate way.

One of the best example to follow connecting all competencies in one agency is the ViaDonau (AT). One of the attempts to concentrate the coordination of all water transportation issues in one subject was the foundation of the Waterborne Transport Development Agency. However it is very young organization in the field and it has to find its ways to coordinate all activities and all participants who “fight” against each other from time to time.

Legislation, secondary legislation, bylaws

One specific recommendation of participants of the seminar concerning the legislation and bylaws was that there is the process of the amendment to the Act Act No. 338/2000 Coll. on Inland Navigation in realization these days and we should incorporate to the National legal report all related topics. Mr. Posvanc, who is responsible for the preparation of the template promised that all relevant topics will be updated in the template because there is almost 100% possibility that all amendments will be approved.

The transposition of the EU legislation is usually the main motive for amendment of the Acts and directives and bylaws concerning water transportation.

Funds

The discussion of participants of the workshop was focused also on funds available for the further development of the water transportation and ports in Slovakia. The issue was discussed within the environmental issues. It was stressed that the environmental issues are one of the most important for further development of water transport and development of ports. VP, a.s. are ready to prepare the pre-project documentation for LNG terminal in Port Bratislava. According to participants of the workshop this could definitely help to improve the environmental issues in the port. Only after that it is possible to deal with some bylaws of the port to favor some environmentally more friendly vessels by port fees.

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












Conclusions

Participants of the workshop express their resolution and enthusiasm about further developments of Slovak ports and water transportation. They consider the water transportation as important mode of transportation also in connection with Slovak automotive industry. The water mode of the transportation is also relatively environmentally friendly. However, the main issue are funds for further development. The problem is that we are able to find some funds for further development but we have some legal restrictions to use it (e.g. as state aid legal restrictions, using EU funds within this restrictions, ...).



LIST OF PARTICIPANTS

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