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#### OUTCOME OF PROCEEDINGS

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To: Delegations

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Subject: Council conclusions on European Court of Auditors' Special Report  
No 23/2016

– Council conclusions (28 February 2017)

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Delegations will find in the annex the Council conclusions on European Court of Auditors' Special Report No 23/2016, adopted by the Council at its 3522nd meeting held on 28 February 2017.

**COUNCIL CONCLUSIONS**

on the European Court of Auditors' Special Report No 23/2016

**THE COUNCIL**

1. TAKES NOTE of the European Court of Auditors' Special Report No 23/2016 " Maritime transport in the EU: in troubled waters — much ineffective and unsustainable investment", which mainly addresses EU funded port investment financed during the period 2000-2013 under the Regional and Cohesion funds. NOTES that none of the audited projects were funded on the basis of the current TEN-T funding framework; based on which the Connecting Europe Facility (CEF) co-funds maritime projects of EU demonstrated added value. HIGHLIGHTS that the EU funding policy for transport has to take into consideration not only the financial viability of projects, but also other issues, like land planning or modal shift objectives.
2. RECALLS the Council Conclusions of June 2014 drawing upon the Mid-Term Review of the EU's Maritime Transport Policy until 2018 and Outlook to 2020 (so-called *Athens Declaration*)<sup>1</sup> which emphasise the importance of competitiveness of European ports. WELCOMES the Commission's Implementation Report<sup>2</sup> on the EU Maritime Transport Strategy 2009-2018.

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<sup>1</sup> See doc. 10041/14.

<sup>2</sup> SWD(2016) 326 final.

3. TAKES NOTE of the recommendations from the European Court of Auditors in relation to State aid, which reiterate the call for State aid guidelines for seaports with the aim of ensuring fair competition and a stable legal framework for port investments, as recorded in the Council Conclusions of 5 June 2014 on the Mid-Term Review of the EU's Maritime Transport Policy until 2018 and Outlook to 2020; NOTES that the further development of a General Block Exemption Regulation (GBER) for certain port investments could respond to concerns regarding the application of the relevant Treaty rules on public funding for ports and enhance the level playing field between European seaports.
4. WELCOMES, therefore, the adoption of the Port Services Regulation by the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports contributing to efficient public spending and use of infrastructure in ports aiming towards creating a level playing field.
5. RECALLS the Motorways of the Sea 2016 Detailed Implementation Plan which calls for the development of ports to perform their required role as the main gateway for European trade as ship and port interface development to achieve efficient logistics operations and improve connectivity with hinterland.
6. STRESSES the need for more funding for ports, in particular, to address the many missing and inadequate links to hinterland, such as improvement in last-mile connections to ports, and improve maritime access, maritime transport services and digital maritime services. WELCOMES that the Commission pays greater attention to promoting projects concerning port access and hinterland connections, in line with its Communication 'Ports: an engine for growth'<sup>3</sup> and the recommendations of the Court of Auditors.
7. CALLS UPON the Commission to work together with Member States, to reduce administrative burdens which could delay project implementation.

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<sup>3</sup> COM(2013) 295.

8. UNDERLINES that the core TEN-T ports have been recently identified on the basis of an objective planning methodology and established through the adoption of the TEN-T guidelines, and it would therefore be premature to revisit this list. CONSIDERS that the list could be revisited as part of the review of the implementation of the core network by 2023, as also recommended by the Court of Auditors.
9. RECOGNIZES that robust data is indeed of capital importance to rationally plan the need for new infrastructure development, but BELIEVES that ports are best placed to monitor their needs and capacity, in coordination with private operators and public authorities. ACKNOWLEDGES the added-value of the Corridor Work Plans, and ENCOURAGES the Commission, together with Member States, to use these existing frameworks and structures, as established by the TEN-T Guidelines, in order to further focus efforts on gathering and compiling the relevant robust data.
10. BELIEVES that funding in similar port infrastructure projects in neighbouring ports is not ineffective by definition. HIGHLIGHTS that the organisation of ports and port services varies from a Member State to another and even between ports in a Member State.
11. ACKNOWLEDGING the fact that full integration of the ports in the TEN-T network is a must, CALLS for building upon the success achieved by the current CEF financial framework to complete the “Trans-European Transport Network”.
12. RECALLING the trans-European transport network should best be developed through a dual-layer structure consisting of a comprehensive network and a core network, those two layers being the highest level of infrastructure planning within the Union. Notwithstanding the importance of the core network, the comprehensive network should be a Europe-wide transport network ensuring the accessibility and connectivity of all regions in the Union, including the remote, insular and outermost regions.
13. NOTES that attention should also be paid to ports outside a TEN-T corridor whose development also has an added value at EU level.

14. HIGHLIGHTS the impact of global market volatility and BELIEVES that short-term under use of capacity may not lead to cancellation of EU co-financing, given that the return on investment for port projects is long-term. CALLS for good and robust long term planning at port and Member State level for better use of EU funding.
15. ACKNOWLEDGING the specific nature of port infrastructure, UNDERLINES the fact that these projects generally require substantial initial capital investments that can only be recovered in the long term.
16. HIGHLIGHTS that EU added value is a key condition for EU co-financing of projects and that due to the nature and specificities of certain high added-value infrastructure projects funding gaps are encountered. In these cases, CALLS FOR caution when emphasizing the need for a large private investment component while AGREEING that EU funded port projects must be based on a proper needs assessment and that mobilizing private capital and using financial instruments continues to be promoted.
17. CALLS UPON further enhancement of coordination and communication, including the sharing of information between the EIB and the Commission, to strive towards the better use of the European direct grants and the European Fund for Strategic Investments (EFSI), and to further develop these new financial instruments to the needs of ports. RECALLS that the approval of EU direct grants are based on reliable transport studies and coherent cost benefit analysis.
18. RECALLS the need to accomplish the internal market for maritime transport, and ENCOURAGES further work towards the development of a European Maritime Single Window environment, the adoption of the eManifest in the EU and further harmonise the relevant administrative and/or customs control procedures, with a view to increase efficiency to the overall transport and logistics chain.