



# State aid to maritime intermodal transport

Latest Commission's case practice & upcoming developments in the ongoing revision of the State aid railway guidelines

The importance of eco incentives for SSS and the maritime sector  
ESN webinar, 25 May 2022

*Olga Simeon  
European Commission, DG Competition, Unit F2 State aid Transport*

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# Today's key messages

The new European Green and Digital priorities stress the importance of a horizontal approach – as opposed to sectorial approaches – based on their objectives

State aid rules are an opportunity – as opposed to a hurdle – to public spending policies

State aid legislation is a rich toolbox that allows for wide flexibility: The more you know it, the more you can do

State aid rules are meant to preserve fair competition on the market: They are not set in the stone, they are instead regularly updated based on market developments

Short Sea Shipping and maritime transport can be subsidised as key links in the intermodal chain and in the shift to greener freight transport solutions



# State aid rules in the transport sector: aid to maritime transport as a key link in the intermodal chain

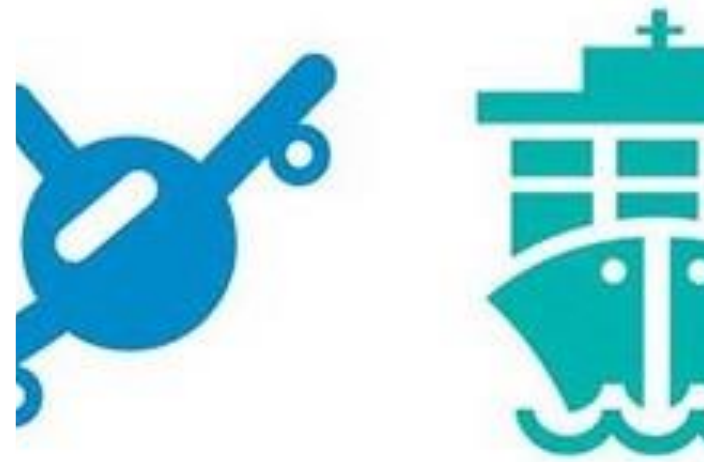


# State aid to transport in the Treaty



Title VI, Art. **93** TFEU

Rail, road and inland  
waterway



Title VII, Art. **107**

Air and maritime

# The special derogation for land transport

- **TITLE VI TRANSPORT**

- *Article 93*
- Aids **shall be compatible** with the Treaties if they meet the needs of coordination of transport

or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.



- *State aid Railway Guidelines (2008)*
- *Regulation 1370/2007/EC*



- **TITLE VII COMMON RULES ON COMPETITION, (...)**

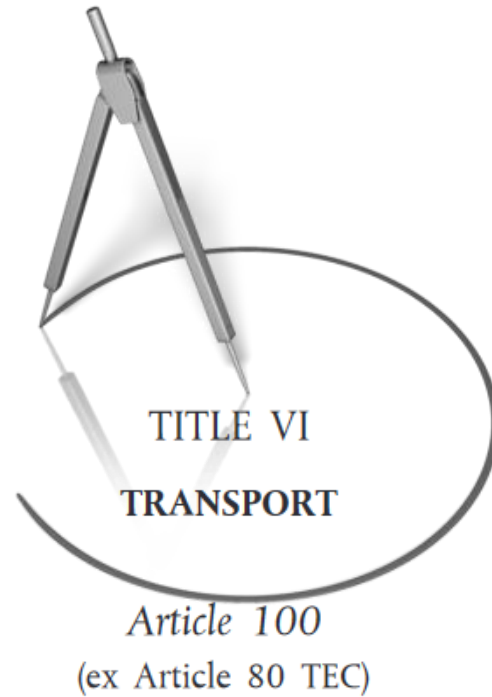
- *Article 107 par. 3 (c)*
- The following **may be considered to be compatible** with the internal market:  
(c) aid to facilitate the development of certain economic activities (...), where such aid does not adversely affect trading conditions to an extent contrary to the common interest

- *Article 106 par. 2*
- Aid to services of general economic interest



- *State aid Aviation Guidelines (2014)*
- *State aid Maritime Guidelines (2004)*
- *SGEI package*

# Why different rules?

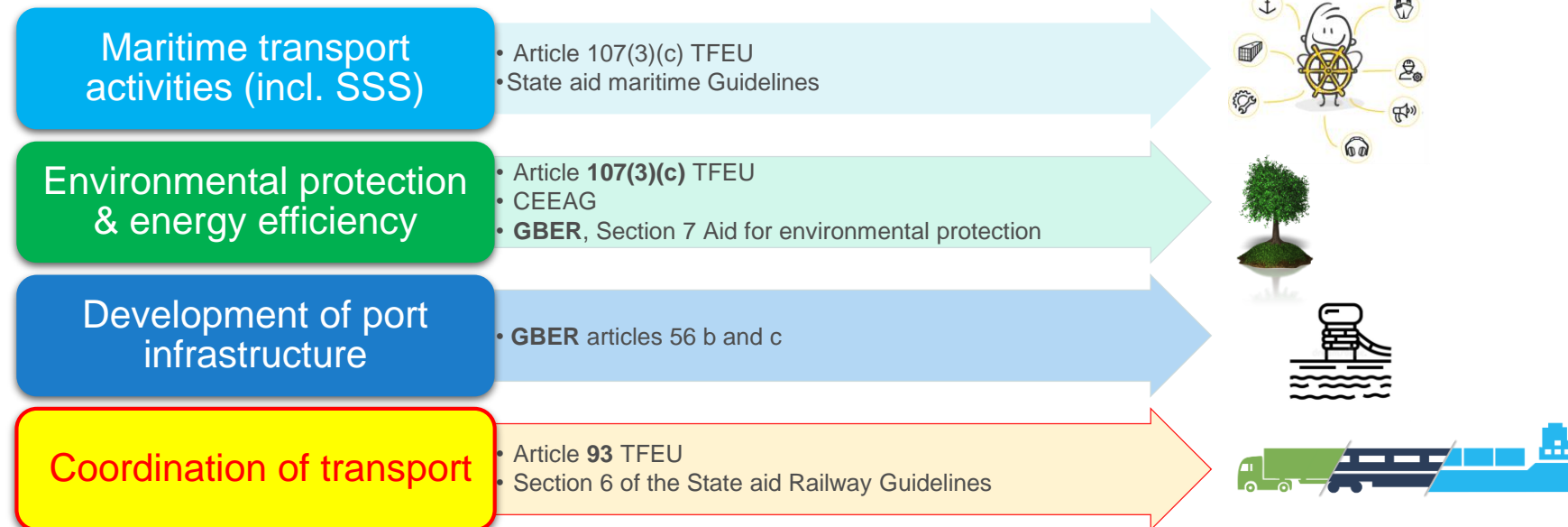


1. The provisions of this Title shall apply to transport by rail, road and inland waterway.



# What are the applicable rules for aid to maritime transport?

- It depends on the primary objective pursued / aid beneficiary !!



*(de minimis aid – independent from the objective pursued)*

# SSS in the State aid maritime Guidelines

## Start-up aid to EU shipowners for the launching of SSS services between ports in the EU

1. 3-year max **duration** of services planned to be **commercially viable** after the aid period
2. The SSS route is **alternative to road**
3. Project-based with a pre-established **environmental impact**
4. Aid up to **30%** of the operational cost of the service or up to **10%** of the cost of the investment in the purchase of the underlying transshipment equipment
5. **Transparent and non-discriminatory** aid grant mechanism
6. No **cumulation** with PSO compensation

### 10. Aid to SSS



Fiscal and social measures to improve competitiveness

Crew relief

Cross-reference to horizontal rules on regional aid, restructuring aid and SGEI

Training

Investment aid

- Aid for fleet renewal 
- Aid that enhance safety and environmental standards of EU-registered ships 

E.g. State aid [SA.44628](#) – Italy – ‘Marebonus’ - scheme to incentivise the highways of the sea



# SSS from a different State aid angle: Article 93 TFEU

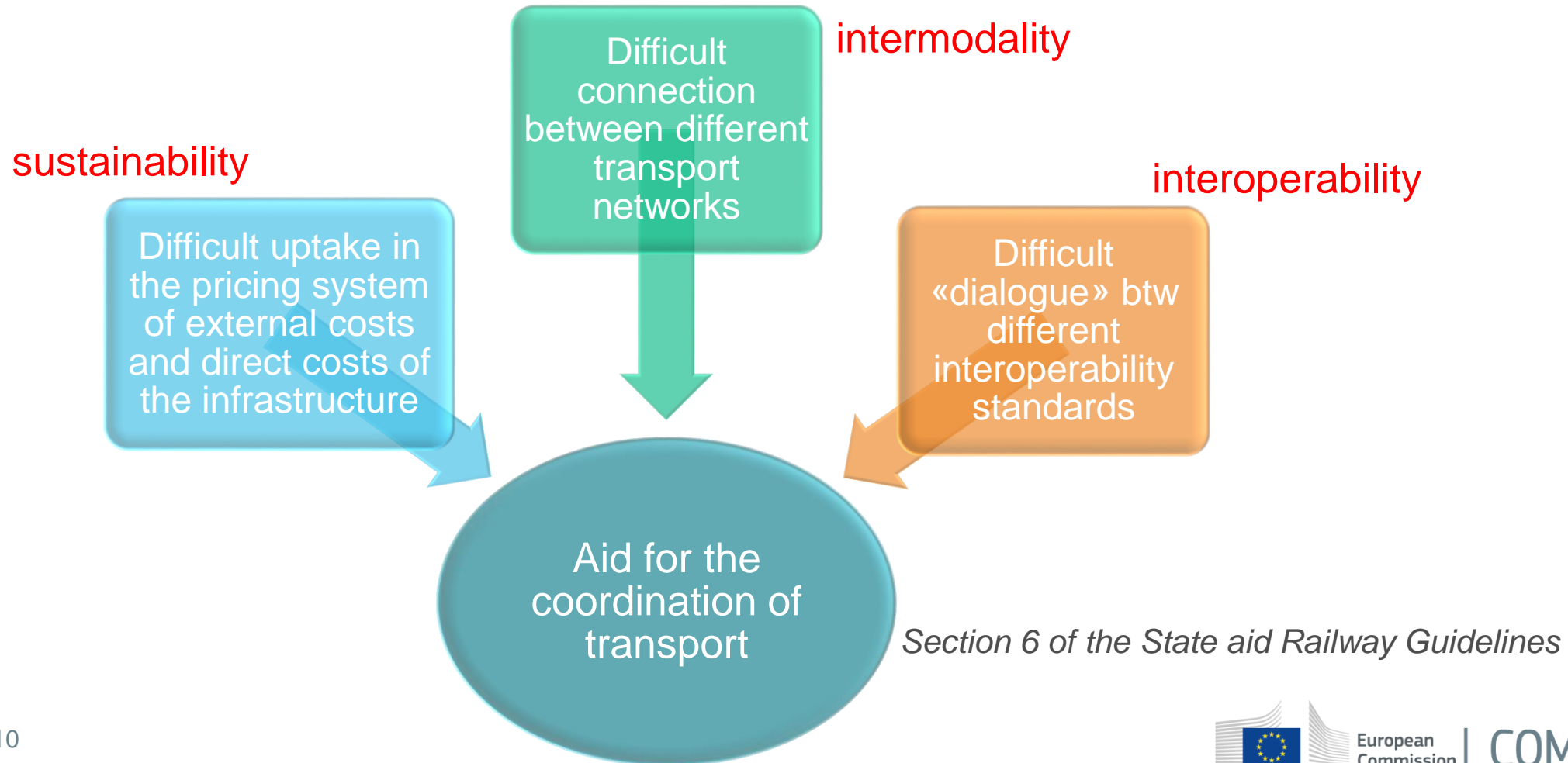
*Article 93*  
(ex Article 73 TEC)



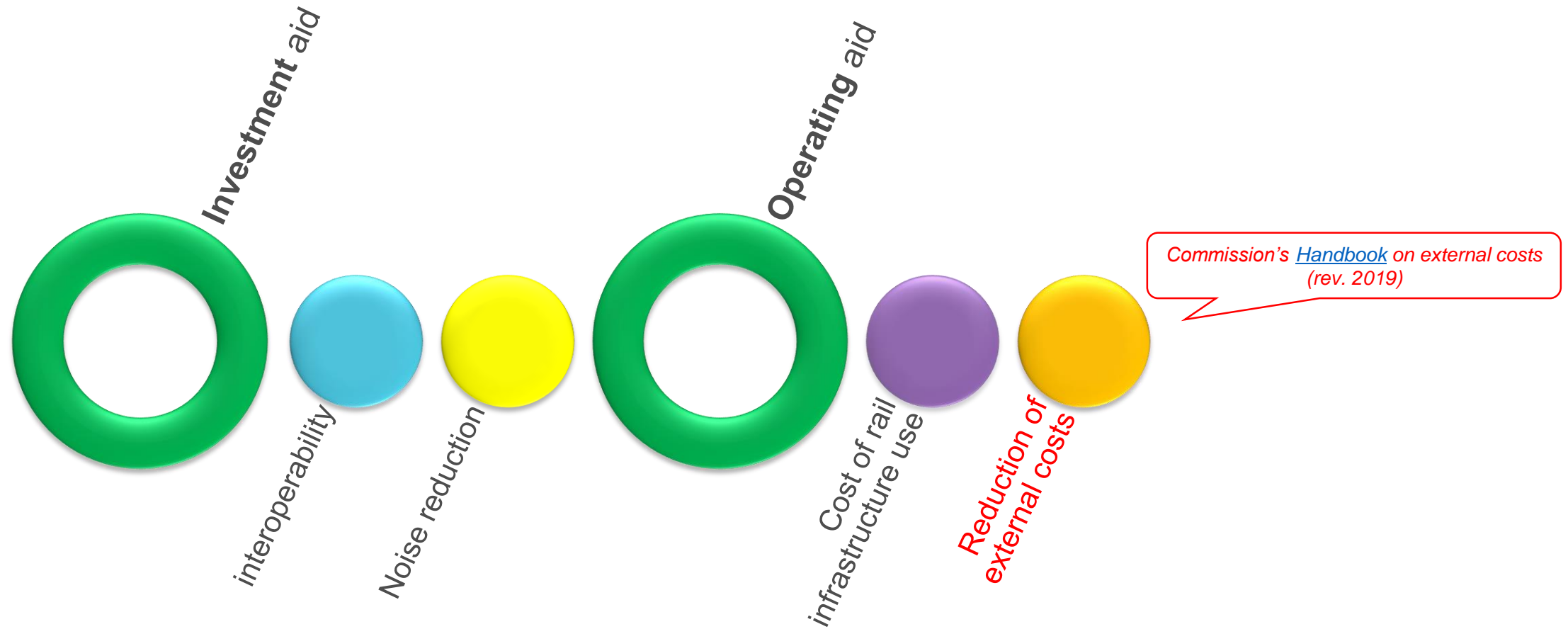
Aids shall be compatible with the Treaties if they meet the needs of coordination of transport or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.



# What is meant by aid that «meets the needs of coordination of transport»?



# What are the types of aid for the 'coordination of transport' codified in the Railway GL?



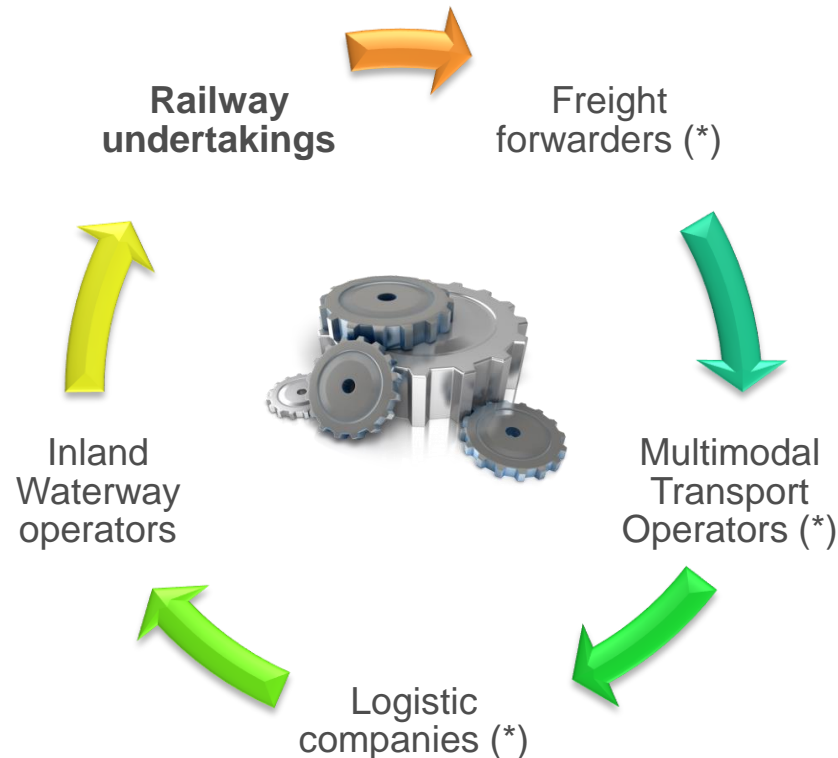
# What are the compatibility principles for 'coordination of transport' aid?

- The aid contributes to the development of the transport sector and to the **coordination of transport**
- The aid is **necessary** and has an **incentive effect**
- The aid is **proportionate**
- The aid is **transparent and non-discriminatory**
- The aid does not have undue **effects on competition and trade**



# Who is the aid beneficiary of aid for the ‘coordination of transport’?

- The Commission has been applying the Railway Guidelines to **railway undertakings** and by analogy to the key actors in the logistic chain
  - which belong to sectors covered by Article 93
  - which contribute to the shift to greener transport solutions



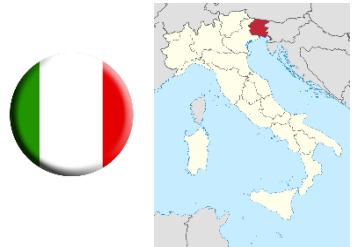
(\*) the decision-makers on the greener transport solution

# What type of aid involving SSS was approved under Article 93 TFEU?

- [EC Decision of 3 March 2022](#) on State aid SA.100286 (Italy): Friuli Venezia Giulia Region's measures to develop intermodal freight transport as reviewed in 2022



- Beneficiaries: *MTOs organising intermodal transport* involving rail or short-sea shipping and at least one other mode of transport (road and short-sea shipping or rail)



- Intermodal long-haul services and intra-regional shuttle services

- Eligible costs: *the external costs savings* realised by beneficiaries as a result of using rail or short sea shipping services as alternative to road-only transport

# What type of aid involving SSS was approved under Article 93 TFEU? (ii)

- [EC Decision of 29 April 2022](#) on State aid SA.100658 (Spain): RRF – Eco-incentives for the use of maritime freight transport



- Beneficiaries: *road hauliers* (including transport companies, freight forwarders or logistic operators) that use any of the eligible maritime freight services offered on international maritime routes alternative to road to carry eligible units (semi-trailers, trailers, and rigid heavy vehicles)



- Eligible costs: *the external costs savings* realised by beneficiaries as a result of using maritime transport instead of road-only transport, **taking into account the environmental performance of the vessels and land vehicles providing the service**

# The plan for new Railway and Transport guidelines: strong intermodal focus





# A new context

- **Green Deal communication:**

need to rethink the policies for transport to accelerate the shift to sustainable and smart mobility

- Achieve 90% reduction in transport emissions by 2050 through intermodality and less polluting transport modes: rail is a key component

- **Sustainable and Smart Mobility Strategy:**

ambitious goals for rail and freight transport

- Electrified / interoperable rail network infrastructure, triple high speed traffic and double rail freight traffic by 2050
- Transport by inland waterways and short sea shipping will increase by 25% by 2030 and by 50% by 2050

# The fitness check confirmed: The Railway Guidelines are outdated

- Several sections of the Railway Guidelines have expired
- Rail markets have opened to competition
- Shift to less polluting transport modes and solutions supports the Green Deal

➤ [Commission Staff Working Document Fitness Check](#) of 20.10.2020, Annex 8



# Updating the Railway Guidelines: how?

- DG COMP main drivers in the revision of the 2008 Railway Guidelines
  - We want to make the rail sector embrace the **green and digital transitions**
  - We want to increase competition via removal of barriers to market access for **new entrants**
  - We intend to give Member States and stakeholders an **updated toolbox of State aid instruments** fully aligned with overarching EU priorities
  - We want to **simplify procedures** for Member States and beneficiaries



# Updating the Railway Guidelines: how? (ii)

- Main drivers and possible actions explored in the ongoing impact assessment:

Intermodality

Aid beneficiaries: - all key actors in the intermodal chain  
- the relevant decision-makers for greener transport solutions

Interoperability

More aid instruments & higher aid intensities

Fair competition

Competition conditions

Cohesion

Rules of freight PSOs and bonuses for assisted regions

Simpler procedures

Block exemption for aid for the coordination of transport

# The two parallel projects

Revision SA Railway Guidelines

(4+12) weeks public consultation 



Improve State aid rules to help the sector meet the green and digital targets

Promote a level playing field within the sector

Impact Assessment support study

On coordination of transport

4-week Roadmap public consultation 

EC proposal for a new Council Enabling Regulation for Art. 93 cases

New EC BER for the coordination of transport

# Where we are and next steps



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**2021:** Q4: 4-week public consultations of the Roadmaps (October) and launch of the questionnaire on EU Survey

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**2022:** Q1: meeting with EU stakeholders' associations and 12-week consultation on the questionnaire - closed on 16 March

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Q2 - Q4: impact assessment (IA) report and draft new guidelines drafting

*Tentative timeline*

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**2023:** IA report completed, draft guidelines published for consultation, multilateral meeting with MS, final adoption of the revised guidelines

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# How to stay up-to-date ?

- See updates on the Roadmaps and contribute to the discussion:
  - On the revision of the State aid Railway Guidelines:
    - [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13154-Rail-transport-revision-of-State-aid-guidelines\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13154-Rail-transport-revision-of-State-aid-guidelines_en)
  - On the proposal for the adoption of a new Council Transport Enabling Regulation for “article 93” aid measures
    - [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13153-Greener-land-transport-simplified-state-aid-rules-New-Land-Transport-Enabling-Regulation-\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13153-Greener-land-transport-simplified-state-aid-rules-New-Land-Transport-Enabling-Regulation-_en)



# Thank you !



*Olga Simeon  
European Commission, Directorate General for Competition  
Unit F2 State aid Transport*

*E-mail: [Olga.SIMEON@ec.europa.eu](mailto:Olga.SIMEON@ec.europa.eu)*

*Tel. +32 2 295 98 52*