

TASK SPECIFICATIONS
to award a Specific Contract
under DG MOVE's Framework Contract MOVE/A3/350-2010 regarding
Impact Assessment and Evaluations (ex-ante, intermediate and ex-post)
for the assignment:

MEASURES TO ENHANCE THE EFFICIENCY AND QUALITY OF PORT SERVICES IN THE EU
UNDER
LOT 2 (TRANSPORT)

DG MOVE Unit: B3

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1. INTRODUCTION

As a follow up of the EU2020 Strategy, the Commission adopted on 28 March 2011 a White Paper on the future of transports. The Transport White Paper presents a comprehensive number of initiatives for establishing a Single European Transport Area as well as the overall objective of reducing emission from the transport sector by 60% by 2050, compared to 1990-levels.

As regards ports, the White Paper underlined the huge potential that EU ports have for growth in the years ahead – growth for Europe, making the most of our ports as trade gateways and building on our long and successful tradition in trading goods by sea. Ports are therefore truly engines of economic development and sources of prosperity for cities, regions and countries.

In this context, establishing a framework for EU ports' policy is one of the concrete measures of the White Paper (action 4) for achieving a competitive and resource efficient transport system in the 2020-2030 horizon. Several goals and actions of the White Paper are related and complementary to the present initiative: the "Blue Belt" initiative (simplification of administrative requirements in ports); shifting of long distance road freight volumes to more energy-efficient transport modes; the implementation of the Transport Trans-European Networks (TEN-T); and the social agenda for maritime transport, including social dialogue and training of port workers in different fields of port activities.

Moreover, the possible adoption of Commission State aid guidelines for the public financing of ports is currently being considered¹. Furthermore, internal market rules on public procurement (including concessions) are currently being revised² and this will have an impact on the provision of port services.

Currently, the EU approach for ports is laid down in the Communication on Ports Policy from 2007. This Communication aims at a performing EU port system able to cope with the future challenges of EU transport needs: it sets an action plan for the Commission.

¹ DG COMP is conducting this initiative.

² DG MARKT is conducting this initiative.

This communication is based on soft law measures / best practices. Since the Communication on Port Policy in 2007, economic fluctuations have affected ports dramatically. The divide in quality of services provided by EU ports, between the different maritime façades, has continued to grow. While some ports in the EU have been engines of economic growth sustaining recovery from the economic crisis, other ports are lagging behind.

1.1. Rationale and aims of the study

In the 2011 Transport White Paper, the Commission has re-assessed the challenges facing European ports, mentioning that in the next decades the activity level of maritime transport is expected to increase dramatically and that this calls for continuous improvement of the efficiency and infrastructure capacity of seaports, along with the further improvement of their hinterland connections, in order for seaports not to become bottlenecks in global supply chains. However, expanding and extending ports is not always possible, or even a priority.

In a context of rapidly growing maritime traffic and of constrained port capacity, experience has shown that the current framework for ports is no longer fit for purpose. Indeed, the question of the efficiency and quality of services delivered in ports (cargo handling, passenger services and technical-nautical services) needs to be addressed as part of a necessary strengthening of the value chain in maritime transport. This problem may jeopardise the achievement of several goals of the White Paper, including the establishment of a single transport area and the shift of long distance freight to waterborne transport, which would rely on performing, and well connected ports³, at all the maritime facades of the EU.

As part of its impact assessment process, DG MOVE seeks to identify and evaluate the adequacy of measures to enhance the efficiency and quality of port services in the EU, the problems identified so far, the contributory causes or drivers, to draw up objectives that address these problems and policy options that can fulfil these objectives. The purpose of this study is to provide quantitative and qualitative research and analysis to support both the problem definition established by the Commission and the impact of the resulting policy options as well as to assist in stakeholder consultations.

1.2. Problem definition

Initial observations have indicated two main shortcomings within the current EU legislative framework. The initially identified problem is twofold:

1. The provision of port services⁴ today is not efficient enough, implying untapped potential for cost reductions for customers, for quality improvement and for jobs.

This situation can be attributed to the presence of several obstacles which hamper market access and expansion and hinder internal market for port services:

³ The connection of ports to the TEN-T network are addressed by the TEN-T guidelines and will not be addressed by this initiative

⁴ Types of services considered: Cargo handling, services provided to passengers and technical-nautical services (pilotage, towage, mooring) as well as environmental services, including ship waste processing services

- i. Lack of clear rules governing market access to port services and concessions at EU level

Port services are one of the few sectors of the European economy where monopolies and exclusive rights continue to exist. Access to the market for port services at port level is restricted in different ways. In many Member States, port authorities conclude "close-door" agreements for the provision of port services, favouring particular undertakings. Moreover, concessions are not necessarily awarded on an objective, transparent and non-discriminatory basis. Finally, in certain ports, market access is also restricted for certain type of services (technical-nautical services) for safety reasons.

- ii. Operating conditions for providing port services are not conducive to a level playing field and prevent thereby the expansion of new entrants at port level

At present, the structure of the EU port services market is determined by the presence of different types of service providers working under distinct regulatory conditions: port authorities, port operators, self-handling shipping companies and independent service providers. The Commission has identified a series of factors creating an uneven level playing field between the different categories of service providers, thereby hampering the expansion of independent service providers:

- Lack of financial transparency for port authorities providing port services: In several Member States, publicly owned ports have no obligation to keep separate accounts between their economic activities, subject to inter and even intra-port competition, and their regulatory / public role within the port.
- Lack of rules guaranteeing that port charges are set in a transparent and non-discriminatory way and at an appropriate level, reflecting the cost of the infrastructure and of the service provided.
- Existence of overly restrictive regimes: In some ports, service providers are not allowed to employ personnel of their own choice.

2. The overall quality of port services does not necessarily keep up pace with evolving needs in terms of availability and reliability of service, safety and security and environment

The suboptimal quality observed at the levels mentioned above can be attributed to three main causes:

- iii. Absence of common minimum quality requirements for port services providers';
- iv. Difficulty to monitor and measure the performance of port services;
- v. Unsatisfactory legal framework in relation to social protection of workers (especially in the field of training, of health and safety at work and of stability of workforce)

The contractor shall assist the Commission services primarily in searching for and collecting data and evidence to assess this problem definition. At the kick off meeting, the Commission will provide the consultant with any updates or additional information it would have developed/gathered by then in relation to the problem definition, objectives or policy options. The consultant will be asked to use as a starting point for the different tasks he is asked to perform under part 3 of these Terms of Reference this most updated version provided by the Commission.

Should the data collected reveal a further problem or provide evidence against the Commission's perception of the problem, the consultant will assist the Commission in refining the problem definition and drivers by making appropriate proposals, such as mapping the shortcomings, the linked causes, from which drivers of the problem(s) can be identified and as a result the problem itself further defined.

1.3. Objectives

The general objective is to enhance the efficiency and overall quality of port services. This should create the conditions for ensuring that, in 2020-2030, the ports included in the TEN-T core and comprehensive networks can cope with the expected growth in demand and for contributing to the achievement of the goals of the White Paper on Transport (contribution of ports to the Single Transport Area, competitive and efficient transport system). Secondly, the competitiveness of European ports vis-à-vis competitors outside the EU should be enhanced to avoid loss of market shares and employment in the sector and in the geographical area in which the ports operate.

This general objective can be translated into more specific objectives which are linked with the specific aspects of port services that need improvement. One of the purposes of this study is to identify the most relevant components of the supply of port services, which, together with price, determine the overall competitiveness of EU ports. Naturally the attractiveness of a port does not only depend on the functioning of the ports itself, but also on other elements (geographical location, hinterland connectivity, etc); however this study should focus on the elements which are more strictly related to the operation within the ports.

As regards *efficiency*:

- Reduce the cost of the various services provided by ports and thus offer more attractive economic conditions to users.

Time (unloading time, waiting time etc), which is another important parameter for users and a relevant indicator of the efficiency of a port, should be reduced as much as possible where feasible.

- To create the operating conditions conducive to a level playing field and promote thereby entry of new service providers (incl. self-handlers) at port level.

As regards *overall quality*:

- To create the condition for growing standards of quality requirements in the field of availability and reliability of service, safety and security and environment.
- To define a set of core performance indicators.
- To improve social conditions of workers.

1.4. Policy options

With a view to addressing the problems and the objectives identified, the preliminary policy options will include:

- i. **Baseline:** This option involves following-up on the measures started after the 2007 Communication, namely the environmental guidelines for port developments, supporting the Social Dialogue Committee in ports (once it is established) and supporting ports performance indicators.

- ii. Do nothing:** Under this option, the EU would discontinue the pursuit of an EU Ports Policy.
- iii. Policy package 1:** This option would entail more recommendations / best practices ("soft law") aimed at the adoption of efficiency-enhancing measures by EU ports / Member States on a voluntary basis. If necessary and in clear cases of breach of Treaty rules, the Commission could consider pursuing infringement proceedings.
- iv. Policy package 2:** This option would entail the adoption of secondary legislation establishing a common playing field for port services, including rules on access to the market for the provision of port services, transparency requirements for port authorities, port charges. Measures to enhance quality would be part of this package.
- v. Policy package 3:** This option would be a combination of options iii and iv above. It would entail the adoption of secondary legislation and recommendations / best practices aimed at opening the port services market to further competition and increasing transparency in the provision of port services. Measures to enhance quality would be part of this package.

The following instruments could be considered:

- Legal instruments: for example common rules on access to port services (i.e. cargo-handling, technical-nautical and passenger services in ports), accounting transparency, separation of public duties (cf. safety and security) from the commercial exploitation of ports, port charges, etc., infringement proceedings as above;
- Guidance instruments / actions: for example interpretative notices regarding existing legal instruments (e.g. concessions directive) or best practice documents / actions promoting coordination of national port strategies, self-regulation actions by the port industry (such as eco-ports / green ports initiatives), performance enhancing measures (such as benchmarking by a ports' observatory), etc.

In further assessing the options, attention will be paid to respecting the subsidiarity and proportionality principles. The options envisaged should ensure timely and cost-effective achievement of the respective objectives

2. DESCRIPTION OF TASKS

The contractor shall assist the Commission services in the preparation of the impact assessment for the policy review of the framework on EU ports' policy in accordance with the task description below and in accordance with the Impact Assessment Guidelines of the Commission⁵.

To assist the contractor, at the kick off meeting, the Commission services will as mentioned hand over any updates or additional information it would have gathered till then concerning the identified problem definition, objectives and policy options, refining those set out above and in the road map, as well as a draft questionnaire for the stakeholder consultation.

⁵ http://ec.europa.eu/governance/impact/commission_guidelines/docs/iag_2009_en.pdf

2.1. Problem definition

The consultant will evaluate the magnitude of the problem for ports included in the TEN-T core network and in particular the extent to which the problems hamper the achievement of the Single European Transport Area foreseen in the Commission's White Paper on Transport Policy⁶.

First areas to explore and assess

DG MOVE is firstly looking for a factual overview of the situation in the Member States as well as for some competing non-EU ports. In order to evaluate the scope and dimension of the problems, the contractor will need to complete the information provided by earlier studies, in particular with regard to the provision of quantitative data. Subject to further review (cf. inception report, *Refinement of objectives and policy options, point 3.5.2 below*) up-to-date and EU-wide additional information is needed. The following represents a possible approach and some examples of indicators to explore in order to clarify the problems initially identified in Chapter 1.2:

1. Identify relevant indicators related to quality of services in ports considering the identified problems. Examples of indicators related to problem 1 could be: costs for port users of different port services, time needed for the provision of a given port service, average waiting time, productivity and number of service providers per type of service. Examples of indicators related to problem 2 could be: reliability (opening hours, etc.), number of cargo handling incidents, number of accidents, number of customer complaints, training requirements, minimum salaries and social guarantees. This list of indicators is indicative and non-exhaustive. Moreover, indicators should be chosen taking into account the feasibility of obtaining relevant quantitative data.
2. Identify categories of ports based on clearly defined criteria. The aim would be to create distinct groups of ports having important characteristics in common, e.g. ownership, geography, size, type of services provided – including public services.
3. Select a representative number, and thus a balanced representation, of ports for case studies within each of the port categories. The selected number of ports should not exceed 20-25 with a view to being able to explore these in detail during the study.
4. Carry out studies of the selected ports with respect to the identified indicators by interviewing mainly port users of the selected ports but also other relevant stakeholders.
5. Consult port users more widely with regard to the same indicators (see also Chapter 3.4).
6. Test for significant differences between the indicators within port categories, across categories, geographically and in comparison with non-EU ports.
7. Confirm problem definition, or, if required, propose a more nuanced or possibly a different problem definition based on the analysis of the indicators and the comparison of the port categories.

⁶ COM(2011)144 final of 28.3.2011 "Roadmap to a Single European Transport Area"

The assessment above shall take account of the information available by means of Eurostat and also of recent and on-going studies and material already gathered by the Commission (detailed in Annex).

2.2. Objectives

The consultant will come up with proposals for general and specific operational objectives to address the problems identified above (or the revised problem definition, if applicable). These objectives must be easy to monitor through indicators of their level of achievement.

2.3. Policy Options

The consultant should present and develop, in cooperation with the Commission, a solid methodology for defining in greater detail the policy options defined in Chapter 2.2 above.

In addition and in cooperation with the Commission and on the basis of the substantiated problem definition, the contractor may suggest and develop additional/alternative policy options or address additional options that may be put forward by the Commission services. The contractor should put together a range of realistic measures which might address the different objectives and use them to substantiate the policy options provided by the Commission and potential alternative policy options. A precise mapping of measures against objectives shall be provided for each policy option.

In identifying measures and policy options the contractor shall take into account:

- (1) The need to ensure consistency with the related EU policies, in particular competition, internal market, environmental policies;
- (2) The need to ensure the smooth functioning of ports in the TEN-T, ensuring, in particular, that the operational conditions for implementation of the TEN-T guidelines are met.
- (3) The need to ensure adequate implementation in the port sector of EU employment and protection of workers policies; and
- (4) The need to ensure a good business climate in ports, with incentives to attract investments and creating new jobs (direct, indirect, induced) and
- (5) The need to reduce the administrative burden for the port industry (providers and customers of port services);

All measures and policy options shall be considered in full respect of subsidiarity and proportionality principles.

2.4. Stakeholder consultation and organisation of a workshop

Following the inception report (cf. below), a public consultation will be organised by the consultant under the guidance of the Commission. The preparation of the consultation including a consultation plan and key consultation documents to be made available on line will be prepared in coordination with the technical officers in charge in DG MOVE.

The draft questionnaire provided at the kick-off meeting should be validated and developed. The consultation will have the following objectives:

- (1) To validate the problem description, including the magnitude of the problem, objectives and policy options identified
- (2) To identify issues that should be explored further when conducting an analysis of the potential impact of the policy options.

The consultation will be kept open for a period of three months (12 weeks). The contractor will verify contributions on a continuous basis and provide assistance and feedback as necessary.

The consultation results should be used by the consultant as an input for evaluating and potentially refining the problem definition, the construction of the policy options and their assessment in the report from the study.

A detailed analysis of the result of the public consultation and a summary of the consultation, including how the opinions received have been taken into account, will be incorporated in the intermediate report.

Once the final report is issued, the contractor will present the results of its impact assessment in a one day conference in Brussels to all the stakeholders. Within the conference the possible next steps will be addressed by the Commission.

2.5. Analysis of impacts

2.5.1. General

The contractor shall assist the Commission in the analysis of the impacts of the proposed policy options. The analysis of impacts shall assess the following areas and more specifically consider the impacts described in the Impact Assessment Guidelines of the European Commission:

- Economic;
- Social/Safety; and
- Environmental.

Quantitative and semi-quantitative estimates should always be privileged, completed with qualitative assessment for areas where data is not available

The analysis should assess the potential impact of each policy option on the various relevant actors: public authorities (Member States and EU institutions) including: Member States' Transport Ministries; Port authorities managing the port and/or providing the basic public authority functions in ports; Port private investors, terminal operators and other companies established in ports; Ports workers, including dockers and other port-specific professions; Providers of technical-nautical services (pilotage, mooring, tugs, etc); Users of ports services (shipping companies, logistics operators, passengers).

This assessment should also take into account the potential impact on stakeholders indirectly affected. Within this perspective, the opinion of each actor shall be taken into account, compared and analysed as necessary. The Contractor shall also present the possible effects which the adoption of such options at a European level might have at an international level, paying particular attention to possible intra or extra- EU competitive distortions.

2.5.2. Refinement of objectives and policy options

The contractor shall base its analysis of the problem definition, objectives and policy options defined above, using the additional information from the previous study provided in the Annex, road map as well as on any further detailed analysis provided by the Commission at the kick-off meeting, and the results of the stakeholder consultation. In the course of the assessment, and following an iterative process, the contractor shall, if necessary, and in consultation with the Commission services:

- (1) Suggest a revision or reformulation of the operational objectives.
- (2) Reformulate policy options, rank options and put forward, if necessary, possible new options or option combinations with a view to attaining the objectives.
- (3) Describe and recommend a final set of objectives and associated policy options

2.5.3. Intermediate report

The contractor shall submit an intermediate report as described in section 6 as soon as the definition of objectives and policy options is considered, in agreement with the Commission services, to be sufficiently stable.

2.5.4. Comparison of options and recommendations

In close cooperation with the European Commission, the contractor shall assess each recommended policy option as regards its efficiency, effectiveness and coherence with the overarching EU objectives. Each option will be compared to the baseline scenario / do nothing option / and will be assessed against the defined objectives. The overall results shall be summarised in a table. The contractor should take full account of the methodology required in the Commission's Impact Assessment Guidelines⁷.

Detailed requirements concerning the methodology are set out in Section 5.

Administrative costs shall be quantified by means of the Standard Cost Model, in accordance with the European Commission Impact Assessment Guidelines.

The contractor shall carry out all the work necessary to provide the Commission with an exhaustive analysis including but not limited to the following:

- (1) Obtain and assess all the necessary information, particularly as described in section 4.
- (2) Assess, for each option, the general positive and negative impacts from a safety/ environmental, social, administrative, financial and economic point of view.

The result of the contractor's analysis will be summarized in a table.

The consultant will also construct and provide a file in Microsoft EXCEL format including all qualitative and quantitative elements used for the assessment.

On the basis of the outcome of its assessment, the contractor shall:

- (1) Refine the operational objectives.
- (2) Recommend the best policy option.
- (3) Make recommendations for a timely, cost-effective and meaningful monitoring and evaluation of the implementation of the recommended option, bearing

⁷ IA guidelines: http://ec.europa.eu/governance/impact/docs_en.htm

It is also advisable to align the methodology to the EC Evaluation Guide: http://ec.europa.eu/budget/documents/evaluation_en.htm?go=t1_0#table-1_0

particularly in mind the need to facilitate quantitative analysis in the future. The contractor will, in accordance with the Commission, define the most appropriate ex-post monitoring indicators.

2.5.5. Final report

Upon completion of task 3.5.4 the contractor will submit a draft final report and a final report as described in section 6.

3. EXISTING DOCUMENTATION AND INFORMATION, MONITORING SYSTEM

Background material and administrative and technical files concerning the specific field (see annex) will be provided by the technical and financial officers, if available. All other data shall be gathered by the contractor.

The contractor shall ensure that the material already gathered by the Commission as well as the on going studies by the Commission and the European Parliament related to the port sector are appropriately taken into account. The contractor shall not duplicate research and, in particular, avoid overlapping and unnecessary contacts with stakeholders for obtaining information already covered by other studies.

4. METHODOLOGY TO BE FOLLOWED

The methodology to be applied in this study is to be elaborated by the contractor. In his/her offer, the contractor will describe the phases of the study, together with a presentation of the various methodologies proposed for the different phases of the work (structuring, collecting data, analysing and judging).

The methodologies should build on the methods and models described in the most recent Impact Assessment guidelines of the European Commission⁸. Particular attention should be given to the analysis of the administrative cost impact and to social impacts for which the study should use the 'Guidance for assessing Social Impacts within the Commission Impact Assessment system'⁹.

The study should gather and present evidence that helps evaluating possible policy options (as described in chapter 3) and their comparative advantages and disadvantages.

Whenever appropriate, the relevant sectoral social dialogue committees shall be consulted.

The study should in particular include:

- (1) Impact analysis, including identification of impacts, quantitative and qualitative assessment analysis of significant economic, social¹⁰, environmental impacts. The "IA TOOLS online platform" provides guidance in determining whether the

⁸ IA guidelines: http://ec.europa.eu/governance/impact/docs_en.htm

It is also advisable to align the methodology to the EC Evaluation Guide: http://ec.europa.eu/budget/documents/evaluation_en.htm?go=t1_0#table-1_0

⁹ <http://ec.europa.eu/social/main.jsp?catId=480&langId=en>

¹⁰ With the use of the above mentioned 'Guidance for assessing Social Impacts within the Commission Impact Assessment system'

identified economic, environmental and social impacts can be assessed and quantified using existing models¹¹;

- (2) Administrative costs calculation for each policy option;
- (3) Consideration of risks and uncertainties in the policy options including obstacles to compliance.
- (4) Comparison of the policy options: weigh-up of positive and negative impacts of each identified policy option in terms of effectiveness, efficiency and consistency and display of aggregated and disaggregated results. Presentation of comparisons between options by area.
- (5) A special analysis must be carried out for quantification of social impacts, for which the Contractor shall apply the Commission guidelines¹².
- (6) Consideration of the international impacts of the measures/ policy options considered

If necessary, the contractor will refine the problem definition and add/refine policy options in accordance with the policy objectives as described in chapter 2.

The final report on the work carried by the contractor should demonstrate that the various policy options have been carefully analysed. All relevant evidence of the analysis process has to be attached in an annex to the report to allow the argument to be followed in a transparent manner (questionnaires, results of surveys, calculations, etc.).

The final report should include an executive summary written in such a way that any non-specialist should be able to follow the argumentation.

5. REPORTING AND DELIVERABLES

The contractor is requested to present:

- 1) an inception report outlining the context of the present situation, the problem analysis, the objectives of the initiative, the policy options to be assessed, the key stakeholders affected and interview plan, the concise methodology and evaluation criteria that will be used for assessing the impacts, and a possible list of alternative delivery mechanisms that might result in valid in-depth analysis;
- 2) an intermediate report that that will include (in addition to the above elements), first results of the impact analysis in quantitative and qualitative form, the outcome and implications of the stakeholder consultation. The intermediate report (or a executive summary of the report) is to be presented at the conference of the EU ports policy. In principle, the conference should take place in May 2012 (date and venue to be confirmed before end January 2012).
- 3) a draft final report that will contain (in addition to all the above elements), the exhaustive results of the impact analysis in quantitative and qualitative form and the findings on the comparison of the policy options. Its purpose is to provide an in-depth understanding.
- 4) a final report that will take into account the Commission's comments and requests. The final report, containing all relevant information shall also provide a written

¹¹ <http://iatools.jrc.ec.europa.eu/bin/view/IQTool/WebHome.html>

¹² <http://ec.europa.eu/social/main.jsp?catId=760&langId=en&preview=cHJldmld0VtcGxOb3J0YWwh>

summary aiming at a non-specialised audience. As all impact assessment studies shall be available to the public, no form of confidential data shall be contained in the final report (they shall be included in a separate Annex).

6. ORGANIZATION AND TIMETABLE

The technical officer in charge will participate in the meetings with the contractor, facilitate access to information, monitor the work and validate the results of the services of the contractor.

In cases where an inter-service steering group will be constituted, the contractor may participate to some of these meetings if requested by the Commission.

The study is expected to start in December 2011

Not later than 20 working days after the signature of the specific contract, a kick-off meeting will be held in Brussels, in order to settle all the details of the assessment to be undertaken.

Not later than 20 working days after the kick-off meeting, an inception report is to be submitted to the Commission, together with all the materials needed for the stakeholder consultation. The inception report is to be discussed and approved at in a meeting with the Commission' services in Brussels.

The stakeholder consultation will be opened no later than 10 working days after this meeting and kept online for a period of 12 weeks

Not later than 20 working days after the closure of the stakeholder meeting, the intermediate report is to be submitted to the Commission.

Not later than 20 working days after the conference, the draft final report is to be submitted to the Commission. The draft final report is to be discussed in a meeting with the Commission's services in Brussels.

Not later than 15 working days after the submission of the draft final report the Commission will provide the contractor with comments on the draft final report and the date of a final meeting in Brussels will be agreed upon in order to discuss the Commission's comments.

The final report, which shall fully reflect the Commission's comments, is to be submitted not later than 15 working days following the receipt of the Commission's comments by the contractor.

The Commission will approve the final report not later than 10 working days from its reception. In the event of inadequate quality of the final report, Article I.11.2 (2.) of the Special Conditions of the Framework Contract applies.

The Commission may extend the above mentioned deadlines especially due to operational constraints.

7. COMMISSIONING BODY AND USER (S) OF THE STUDY RESULTS

The study to be completed under this work order will contribute to the Commission's impact assessment final report on the revision of the framework for EU ports' policy.

Any results or rights thereon, including copyright and other intellectual or industrial property rights, obtained in performance of the contract, shall be owned solely by the Community.

The Commission services will be responsible for deciding the possible dissemination of the findings and conclusions of the assessment and its related materials produced under this work contract.

ANNEX: Indicative list of material already gathered by the Commission

A number of major studies have been carried out or are being executed for examining trends and developments that may have a profound impact on the future of ports in the next two decades. Those studies will be fully taken into account for the purposes of the Impact Assessment of the Framework for the EU Ports policy:

- In 2008-2010, the Commission conducted a comprehensive assessment of the European Maritime Transport System in the horizon of 2018¹³, including analysis and recommendations for the EU port system.
- In 2010, a new study (NEA)¹⁴ specifically addressed the issue of how port related traffic interacts within the TEN-T network and how this is likely to evolve over time.
- The impact assessment conducted in preparation for the 2011 Transport White Paper¹⁵ examined the expected evolution of maritime transport until 2030 and 2050 and its likely impact on European ports.
- With the support of the Commission, the European Sea-Port Organisation (ESPO) is currently conducting a study aimed to measure the performance of European ports (ports' performance indicators project, 2010-2011)¹⁶.
- In 2010, ESPO conducted a fact finding survey into the current governance of European seaports, trends and new roles of port authorities. The conclusions of the report have been presented in 2011¹⁷.
- In 2011, the Commission has commissioned a new study (¹⁸) examining labour conditions in European ports. The study will be completed early 2012.
- In 2011, the Commission has also commissioned a new study on the issue of pilot exemption certificates (PECs) in ports.
- Finally, the Commission has the intention of launching an additional studies related to the transport environmental and energy efficiency side effects linked to the performance of ports. The study should be completed in 2012.

By the end of the year 2011, the study of the European Parliament on the performance of ports in different maritime façades should be also available. It will be also the case of the final report of the Court of Auditors on the performance of ports funded by Structural Funds.

The study by the Commission (DG COMP) on the State aid / public funding of port infrastructures in the EU would be available by mid 2012.

¹³ Lloyd's Register – Fairplay Study: Strategic Options for the European Maritime Transport System 2008-2018, update 2010.

¹⁴ NEA Consultants - <http://ec.europa.eu/transport/infrastructure/studies>

¹⁵ Commission's staff working document - <http://eur-lex.europa.eu=SEC:2011:0358:EN:PDF>

¹⁶ Ports performance indicators, selection and measurement study – see <http://pprism.espo.be/Home.aspx>

¹⁷ 2010 Survey and Fact Finding - a quantitative analysis of the data (ESPO, 2011).

¹⁸ Study on port labour, health, safety and qualifications, Portius - College of Europe – Contract notice JO S 137-210127