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STATE AID CASES IN THE EU INLAND WATERWAY TRANSPORT
SECTOR AND THE BENEFITS FOR SHIPOWNERS

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10th IVR Colloquium, Vienna, 5 October 2023



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These state aids, previously notified according to Article 108(3) of the Treaty on the Functioning of the European Union, were considered by the European Commission compatible with the internal market as they meet

the needs of coordination of transport
pursuant to Article 93 of the Treaty

INLAND WATERWAY TRANSPORT

THE EUROPEAN LEGAL FRAMEWORK

MASSIMILIANO GRIMALDI

informa law
from Routledge

This book aims to be an innovative tool of analytical and systematic study of the various legislative EU measures that regulate the inland waterways transport sector, and it provides a comparative study and analysis of the relevant measures of implementation adopted by the various Member States

Each EU legislative measure is first explained in general terms and then commented on in detail with a specific analysis of the most significant articles

The corresponding national implementing measures are also examined in detail describing any different ways of transposing the EU regulation, also with regard to any differences in approach by the Member States relative to the possibility of any derogations or exemptions from compliance with some measures, which is often provided for by the EU regulation

Appendix EU STATE AID CASES

The appendix provides a list of State Aid Cases in the EU inland water transport sector. Specifically, it contains a list of State Aid introduced by Austria, Belgium, Czech Republic, France, Germany, Hungary, Italy, The Netherlands, Poland, Slovakia and Sweden. These aids concern many interesting aspects, such as the modernisation of inland waterway freight transport vessels, intermodal transport via inland waterways, loading/unloading installations for inland navigation, modernisation and construction of combined transport terminals, exemption from the excise duty of the fuel used in inland waterway transportation, and support to freight transport by inland waterways.



AUSTRIA

SA.41100 (2015/N) – Special Guidelines for the Programme of Aid for Innovative Combined Transport for 2015-2020

- Achieve a modal shift of freight traffic from road to environmentally less harmful modes of transport, including IWT
- The beneficiaries were transport undertakings, as transshipment and logistic companies, forwarding agents, port-operators, shipping companies
- All EU companies having registered offices, agencies, branches or subsidiaries in Austria were eligible for this aid



AUSTRIA

SA.41100 (2015/N) – Special Guidelines for the Programme of Aid for Innovative Combined Transport

This programme established two typologies of aid

- Aid for the acquisition of innovative technologies and systems to improve combined transport systems



innovative transshipment/loading technologies (e.g. horizontal transshipment technologies) and logistic systems, systems of communication for users of combined transport



AUSTRIA

SA.41100 (2015/N) – Special Guidelines for the Programme of Aid for Innovative Combined Transport

Type of aid

- Aid for the acquisition of equipment for combined transport



inland and land containers, swap bodies, special vehicles and containers for combined transport (**e.g. driverless transport systems**), adaptations of semitrailers to facilitate loading, adaptations of ships lighters for containers etc...



AUSTRIA

SA.41100 (2015/N) – Special Guidelines for the Programme of Aid for Innovative Combined Transport

Threshold and Intensity of aid

- For all the subsidies, the minimum amount to be granted was EUR 8,000 and the maximum was limited to EUR 800 000 per project or per beneficiary and year
- The aid intensity was up to 30% of the eligible costs



AUSTRIA

The Programme 2015-2020 actually contributed to the development of the intermodal freight transport

EXTENDED UNTIL

2025

SA.60132 (2021/N)

The new Regulation will further support the modal shift from road to waterways in Austria and will thus contribute to the Green Deal and the climate targets of the European Union



BELGIUM

SA.60451 (2020/N) – Measure to support intermodal transport by water in the Brussels-Capital Region for the period 2021-2025

- SA.42388 for the period 2016-2020
- Achieve a modal transfer of container transport from road to inland navigation from a terminal located in the Brussels-Capital Region. It intends to achieve this by rebalancing the proven difference in the structure of transport costs between road and inland navigation



BELGIUM

SA.60451 (2020/N)

The beneficiaries are



Shippers having their registered office in the European Union, as they are, in their capacity as customers, who pay for the transport, including the costs of transshipment of the container



BELGIUM

SA.60451 (2020/N)

Type and intensity

This measure consists of a form of partial compensation for the additional cost of transshipment linked to intermodal transport involving inland water navigation. Specifically, the Port of Brussels grants shippers using the waterway a subsidy of 17.5 euros per UTI2 transhipped in a terminal located in the Brussels-Capital Region.

The amount of 17.5 euros is deducted from the invoice paid by the shippers to the terminal for the transshipment operation.



BELGIUM

SA.60451 (2020/N)

Characteristics

This economic support

- a) does not present any distinction based on nationality because it is accessible to all EU shippers using inland waterways for the transport of containers
- b) is granted for the transshipment of each container, whether empty or full, in an inland terminal located in the Brussels-Capital Region



BELGIUM

SA.60451 (2020/N)

Characteristics

c) is granted for "import" and "export" containers

d) The origin or destination of the goods may be any seaport or inland port, **provided that the main route is by waterway**

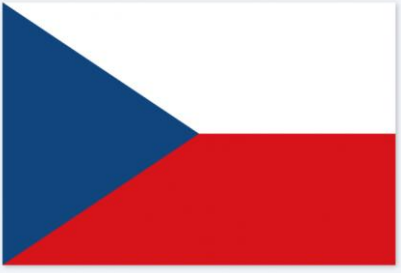


BELGIUM

SA.60451 (2020/N)

Characteristics

- e) As already specified, only the additional costs for container transshipment are compensated. The cost of transport by water is **not** supported
- f) Each container is eligible for subsidy only once
- g) Both existing and new routes are considered for support



CZECH REPUBLIC

SA.43080 – State aid for modernisation of inland waterway freight transport vessels for the period 2016-2021

The vessel modernisation programme had 3 subprogrammes:
Subprogramme 1 – Was aimed at reduction of the environmental impacts of waterway transport

Subprogramme 2 - Was aimed at modernisation of vessels to increase the multimodality of freight transport

Subprogramme 3 - Was aimed at modernisation of vessels leading to the increased safety of inland waterway transport

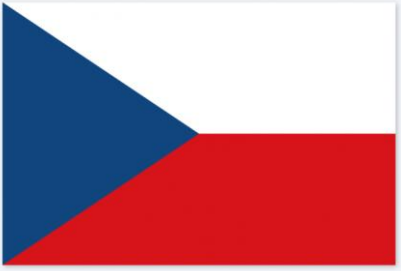


CZECH REPUBLIC

SA.43080

Specifically,

Subprogramme 1 was aimed at reducing the environmental impacts of waterway transport by reducing emissions of gaseous and particulate pollutants from internal combustion engines and auxiliary motors installed on vessels and by implementing other measures with direct environmental benefits



CZECH REPUBLIC

SA.43080 –

Subprogramme 2 and Subprogramme 3 were aimed at increasing the involvement of waterway transport in the multimodal transport chain by making the vessels more competitive, operationally flexible and secure in the context of multimodal transport chain by modernising them



CZECH REPUBLIC

SA.43080 –

Beneficiaries

The beneficiaries were all owners or operators of fleets of inland waterway vessels whose vessels were recorded **in the Waterways Register of the Czech Republic**, regardless of the nationality of the operator

*Only small and medium-sized enterprises (SMEs) were eligible under this aid

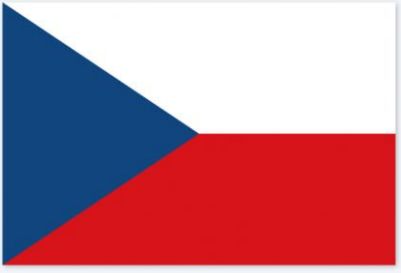


CZECH REPUBLIC

SA.43080 -

This aid was granted

- to replace vessels' engines: acquisition of low-emission boat engines; acquisition of low-emission auxiliary motors; directly related subsequent components and installation costs
- to remodel the stern of vessels: acquisition of technology for adjusting the shape of a vessel's stern, including its installation
- to broaden or elongate a vessel



CZECH REPUBLIC

SA.43080 –

- to expand the hatchways (it makes more flexible loading and unloading of goods as there is easier access to the hold)
- to add radar equipment, including installation in the vessel
- to reconstruct the electrical wiring on board, including the purchase of electrical wiring



FRANCE

SA.104357 (2023/N) - State aid for the modernisation and innovation of inland waterway fleet (PAMI) for the period

2023-2027

Letter to the Member State - authentic language
published on 12.09.2023

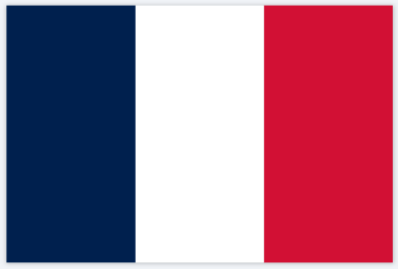


FRANCE

SA.104357 (2023/N)

Objective

The objective of PAMI 2023-2027 is to encourage a modal shift of freight transport from road to inland waterways. More precisely, this measure aims to promote the adaptation of the river fleet with more energy-efficient, safer and competitive boats in order to adapt it to customer demands



FRANCE

SA.104357 (2023/N)

Beneficiaries

The beneficiaries of this aid are river freight transport companies. Precisely, this aid is accessible to any legal entity belonging to a State of the European Union having its head office, branch or subsidiary in France and carrying out the transport of goods by waterways in France.



FRANCE

SA.104357 (2023/N)

This aid is granted

- to better integrate the river link into logistics chains (i.e., adaptation, purchase or construction of boats to capture new traffic; construction or adaptation of vessels for serving maritime ports; acquisition of navigation aid instruments and software or the operation of vessels)
- to expand the number of shipowners



GERMANY

SA.57137 (2021/N) Aid for modernisation of inland waterway fleet for the period **2021-2023**

This aid is based on two Programmes

Programme 1 – Improvement of the economic efficiency and competitiveness of inland waterway transport

It was aimed at increasing the competitiveness, efficiency and safety of inland waterway transport, even during low water periods



GERMANY

SA.57137 (2021/N) German aid for modernisation of inland waterway fleet

Programme 2 – Reduction of air pollutants emitted by inland waterway transport

It was aimed at improving energy efficiency, especially through energy-efficient technologies and energy efficiency measures as well as at reducing emissions



GERMANY

SA.57137 (2021/N) German aid for modernisation of inland waterway fleet

Beneficiaries

This aid was accessible to any undertaking regardless of the nationality of the operator with its registered office or independent branches in Germany, which owned an inland waterway vessel registered in a German inland waterway vessel register.

The vessels had to be used for commercial inland waterway navigation and on Federal waterways or States (“Länder”) waters.



GERMANY

SA.57137 (2021/N) German aid for modernisation of inland waterway fleet

Intensity of aid

The maximum aid intensity was limited to 60%, 70% or 80% of the eligible costs respectively for large, medium-sized or small undertakings



GERMANY

SA.57137 -

SA.106519 (2023/N)

Amendment and **prolongation** of the State aid for
modernisation of inland waterway fleet



It extends the existing aid **from 1 January 2024 to 31 December 2026**



HUNGARY

SA.46672 (2016/N) Exemption from the excise duty of the fuel used in inland waterway transportation 2017-2023

This measure aimed at addressing the structural imbalances between road, rail and inland waterway transportation, by compensating for the lack of internalisation of external costs. The measure also aimed at protecting the environment by promoting environmentally friendlier transport modes.



HUNGARY

SA.46672 (2016/N) Exemption from the excise duty of the fuel used in inland waterway transportation

Beneficiaries

The beneficiaries were inland waterway operators active in freight or passenger transport in Hungary



HUNGARY

SA.46672 (2016/N)

SA.104781 (2022/NN)

Aid on excise duty exemptions and refunds for fuel used in inland waterway transportation **1st May 2023 - 30 April 2029**

This new Regulation establishes

a full excise duty exemption and a full excise duty refund in relation to gas oil used for inland waterway transport

*** The excise duty exemption is only available to inland waterway operators refuelling with marked gas oil directly from a tax warehouse**



HUNGARY

SA.46672 (2016/N)

SA.104781 (2022/NN)

Aid on excise duty exemptions and refunds for fuel used in inland waterway transportation **1st May 2023 - 30 April 2029**

The tax refund and exemption for inland waterway can be claimed by inland navigation vessels entered either in the Hungarian or in a foreign ship registry



ITALY

State Aid SA.58817 (2020/N) – State aid to support freight transport by inland waterways **2022-2024**

Specifically, the objective of this aid is to support freight transport by inland waterways with a view to strengthening the intermodal transport chain and developing the modal shift of freight traffic from road to inland waterway network



ITALY

SA.58817 (2020/N)

There are 5 typologies of state aid

- A. aims at promoting the necessary modernisation of the existing fleet for safe environment purposes
- B. aims at increasing the share of freight intermodal transport by integrating inland waterway transport into other modes of transport (i.e., adaptation of existing vessels, construction of new vessels or purchase of existing vessels with the aim of capturing new trades or to consolidate existing trades)



ITALY

SA.58817 (2020/N)

C. aims at increasing the number of operators in the network by supporting activities that are not attractive due to high initial fixed costs (aid for the purchase of existing vessels to facilitate the entry of new shipowners)

D. aims at encouraging innovative solutions to increase environmental protection and energy efficiency of freight inland waterway transport (purchase of RIS instruments)



ITALY

SA.58817 (2020/N)

E- aims at promoting the modal shift of goods from road to inland waterways through the payment, in favour of EU undertakings and EU shipowners, of a pro-rata aid resulting from the multiplication of a specific rate by the number of tonnes of goods loaded by the number of kilometers of road avoided

This aid, named **IDROBONUS**, makes the mode of transport by inland waterways and river-sea routes truly competitive compared to the mode of road transport



ITALY

SA.58817 (2020/N)

Italy finances

“EU shipowners”

and

“EU undertakings”



ITALY

SA.58817 (2020/N)

Beneficiaries

“EU shipowners” are companies with an «economic activity code» in the field of freight inland waterway transport operating vessels, or convoys of vessels, that are registered in the Italian registers of inland navigation vessels or in the inland navigation registers of other Member States and are engaged in inland waterway transport activities in Italy



ITALY

SA.58817 (2020/N)

Beneficiaries

“EU undertakings” are EU undertakings using inland waterway transport services

* The intensity of state aids depends on the tipology



THE NETHERLANDS

SA.100463 (2022/N) – Aid to promote modal shift from road to inland waterways **2022 - 1st January 2026**

Beneficiaries

Eligible beneficiaries are:

➤ shippers: companies that transport their own cargo or that engage a carrier for such purpose

and

➤ logistics operators organising the transportation of goods by inland waterways



THE NETHERLANDS

SA.100463 (2022/N)

Eligible operations

Moreover, eligible operations are only operations that take place on the so-called “Freight Transport Corridors East and Southeast” in order to relieve their congestion due to renovation and replacement works.

To be eligible, companies must shift a minimum of 3 TEU per day from road transport to inland waterways transport over a minimum distance of 35 kilometres (“km”).



THE NETHERLANDS

SA.100463 (2022/N)

Maximum aid amount

The Dutch authorities grant to the beneficiaries, as maximum aid amount, **EUR 20 for each container** transported by inland waterway in Freight Transport Corridors East or Southeast



SLOVAKIA

SA.46046 (2016/NN) – Excise duty exemption for inland waterways

Duration: 2014-2024

Objective

This measure aims to address the structural imbalances between road and inland waterway transportation, by means of the excise duty exemption for fuel used in inland waterway transportation

This measure has the effect of encouraging the shift to inland waterways



SLOVAKIA

SA.46046 (2016/NN) – Excise duty exemption for inland waterways

National legal basis

This measure implements a national rule (Article 10(1)c of Act N. 98/2004) on excise duty on mineral oil, which foresees an exemption from the duty for mineral oil used in the commercial carriage of passengers and freight on the Danube



SLOVAKIA

SA.46046 (2016/NN) – Excise duty exemption for inland waterways

National legal basis

This is possible on the basis of Article 15(f) of Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, which allows for certain **derogations** from the national rates even below the minimum rate of taxation



SLOVAKIA

SA.46046 (2016/NN) – Excise duty exemption for inland waterways

Beneficiaries

All shipowners providing transport services on inland waterways in Slovakia



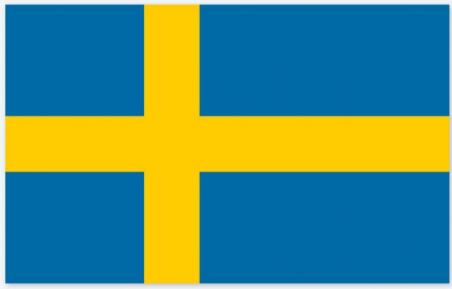
SWEDEN

SA.50217 (2018/N) – Eco-bonus aid for short sea shipping and inland waterway transport

Duration: 2018-2020

Objective

This measure aimed at encouraging the modal shift of freight transport from road to sea and inland waterways by reducing long distance lorry journeys. Thus, this aid contributed to decrease emissions of air pollutants and greenhouse gases.



SWEDEN

SA.50217 (2018/N)

Beneficiaries

The beneficiaries were all shipowners who:

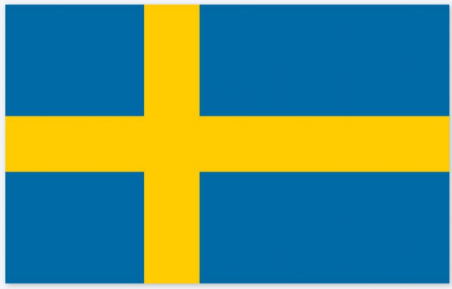
(a) carried out shipping operations using vessels registered in a shipping register in a Member State of the European Economic Area;

and

(b) were established in an EEA country;

and

(c) which loaded or unloaded goods at least once at a Swedish port during the service in question



SWEDEN

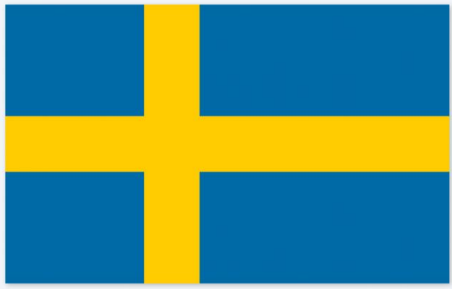
SA.50217 (2018/N) – Swedish Eco-bonus aid for short sea shipping and inland waterway transport

Under this measure, aids were granted for projects presented by shipowners concerning

new inland waterway transport routes

or

the upgrade of services on existing ones



SWEDEN

SA.50217 (2018/N) – Swedish Eco-bonus scheme for short sea shipping and inland waterway transport

A route was considered to be new if it was not operated prior to the decision of the Swedish Transport Administration granting the aid



SWEDEN

SA.50217 (2018/N) – Swedish Eco-bonus scheme for short sea shipping and inland waterway transport

The upgrade of services on an existing route included any measure to attract new customers or to increase cargo volume and which was not implemented prior to the decision of the Swedish Transport Administration granting the aid



SWEDEN

SA.50217 (2018/N)

Aid amount

The aid consisted of an amount resulting from the multiplication of a specific rate by the number of tonnes of goods loaded by the number of kilometers of road avoided

THE NEW EU LEGISLATION

Council Regulation (EU) 2022/2586 of 19 December 2022 on the application of Articles 93, 107 and 108 of the TFUE to certain categories of State aid in the rail, inland waterway and multimodal transport sector

Article 1

The Commission may adopt regulations declaring that the ***aids for coordination of transport*** are compatible with the internal market and are not subject to the notification requirements of Article 108(3) of the Treaty

Council Regulation (EU) 2022/2586

The regulations adopted by the Commission **must** specify for each category of aid:

- the purpose of the aid
- the category of beneficiaries
- the maximum amount of aid that can be granted
- the conditions relating to the cumulation of aid

Council Regulation (EU) 2022/2586

Article 4 (Hearing of interested persons and organisations)

Before the adoption of a regulation, the Commission shall publish a draft thereof to enable all interested persons and organisations to submit their comments within a time limit fixed by it.

This time limit shall be at least 1 month. At the same time, the Commission shall make public the draft regulation on its website.

Council Regulation (EU) 2022/2586

EXEMPTION FROM THE OBLIGATION TO PREVIOUSLY NOTIFY THE AID

will give rise to a

FASTER ALLOCATION OF ECONOMIC RESOURCES TO THE BENEFICIARIES



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