



Interreg



EUROPEAN UNION

Danube Transnational Programme DIONYSUS

Integrating Danube Region into Smart & Sustainable Multi-modal & Intermodal Transport Chains

Summary Report on Danube ports governance structures

[Deliverable D.T2.3.2]

Version: 1.0

Date: 31/12/2021

[Status: Final]

Document History

Version	Date	Authorised
1.0	18.12.2020.	PGA

Contributing Authors

Name	Organisation	Email
Srđa Lješević	PGA	srdja.ljesevic@aul.gov.rs
Živana Luković	PGA	zivana.lukovic@aul.gov.rs
Iva Horvat	PAV	iva.horvat@luv.hr
Igor Barna	VPAS	igor.barna@vpas.sk
Karin Voglsam	EHOÖ	k.voglsam@ennshafen.at
Monika Thury	HFIP	popeiproject@gmail.com
Capt. Béla Szalma	HFIP	elnok@hfip.hu
DIONYSUS Team	BRCCI	d.pencheva@brcci.eu
CEBAN Victor	Technical University of Moldova	victor.ceban@tran.utm.md
SHESTENCO-DIACEK Natalia	Technical University of Moldova	natalia.sestenco@adm.utm.md
HÎNCU Nicolae	Technical University of Moldova	nicolae.hincu@tran.utm.md
Daniel Jarnea	MPAC	djarnea@constantza-port.ro
Zoia Floroiu	MPAC	zfloroiu@constantza-port.ro
Andra Opreanu	MPAC	aopreanu@constantza-port.ro
Victor Doicescu	MPAC	vdoicescu@constantza-port.ro
Cristiana Dima	MPAC	cdima@constantza-port.ro

Table of Contents

1	Table of Tables	10
2	Abbreviations	11
3	Introduction	12
3.1	Scope of the report.....	12
3.2	Port governance structures – general data.....	13
3.3	Basic of Port management model.....	14
4	Ports governance structures in Austria	16
4.1	Ports.....	16
4.1.1	Port of Enns.....	16
4.1.1.1	Legislation and applied Port Management Model.....	16
4.1.1.2	Port authority (port governance, port administration).....	17
4.1.1.3	Port land ownership.....	18
4.1.1.4	Port infrastructure ownership.....	19
4.1.1.5	Port superstructure ownership.....	20
4.1.1.6	Port operators.....	21
4.1.2	Port of Vienna.....	23
4.1.2.1	Legislation and applied Port Management Model.....	23
4.1.2.2	Port authority (port governance, port administration).....	24
4.1.2.3	Port land ownership.....	26
4.1.2.4	Port infrastructure ownership.....	27
4.1.2.5	Port superstructure ownership.....	31
4.1.2.6	Port operators.....	33
5	Ports governance structures in Slovakia	34
5.1	Ports.....	34
5.1.1	Port of Bratislava.....	34
5.1.1.1	Legislation and applied Port Management Model.....	34
5.1.1.2	Port authority (port governance, port administration).....	34
5.1.1.3	Port land ownership.....	35

5.1.1.4	Port infrastructure ownership	36
5.1.1.5	Port superstructure ownership	36
5.1.1.6	Port operations	36
5.1.2	Port of Komarno.....	37
5.1.2.1	Legislation and applied Port Management Model.....	37
5.1.2.2	Port authority (port governance, port administration).....	37
5.1.2.3	Port land ownership	37
5.1.2.4	Port infrastructure ownership	37
5.1.2.5	Port superstructure ownership	37
5.1.2.6	Port operations	38
6	Port Governance structures in Hungary.....	39
6.1	Ports.....	39
6.1.1	Port of Budapest.....	39
6.1.1.1	Legislation and applied Port Management Model.....	39
6.1.1.2	Port authority (port governance, port administration).....	39
6.1.1.3	Port land ownership	40
6.1.1.4	Port infrastructure ownership	41
6.1.1.5	Port superstructure ownership	41
6.1.1.6	Port operations	41
6.1.2	Port of Dunaújváros.....	42
6.1.2.1	Legislation and applied Port Management Model.....	42
6.1.2.2	Port authority (port governance, port administration).....	42
6.1.2.3	Port land ownership	43
6.1.2.4	Port infrastructure ownership	43
6.1.2.5	Port superstructure ownership	43
6.1.2.6	Port operations	43
6.1.3	Port of Baja.....	44
6.1.3.1	Legislation and applied Port Management Model.....	44
6.1.3.2	Port authority (port governance, port administration).....	44
6.1.3.3	Port land ownership	44
6.1.3.4	Port infrastructure ownership	44

6.1.3.5	Port superstructure ownership	45
6.1.3.6	Port operations	45
7	Ports governance structures in Croatia	46
7.1	Ports.....	46
7.1.1	Port of Vukovar.....	46
7.1.1.1	Legislation and applied Port Management Model.....	46
7.1.1.2	Port authority (port governance, port administration).....	47
7.1.1.3	Port land ownership	48
7.1.1.4	Port infrastructure ownership	48
7.1.1.5	Port superstructure ownership	48
7.1.1.6	Port operations	48
8	Ports governance structures in Serbia	50
8.1	Ports.....	50
8.1.1	Port of Bogojevo.....	50
8.1.1.1	Legislation and applied Port Management Model.....	50
8.1.1.2	Port authority (port governance, port administration).....	51
8.1.1.3	Port land ownership	52
8.1.1.4	Port infrastructure ownership	52
8.1.1.5	Port superstructure ownership	52
8.1.1.6	Port operations	52
8.1.2	Port of Bačka Palanka.....	53
8.1.2.1	Legislation and applied Port Management Model.....	53
8.1.2.2	Port authority (port governance, port administration).....	54
8.1.2.3	Port land ownership	55
8.1.2.4	Port infrastructure ownership	55
8.1.2.5	Port superstructure ownership	55
8.1.2.6	Port operations	55
8.1.3	Port of Prahovo.....	56
8.1.3.1	Legislation and applied Port Management Model.....	56
8.1.3.2	Port authority (port governance, port administration).....	57
8.1.3.3	Port land ownership	58

8.1.3.4	Port infrastructure ownership	58
8.1.3.5	Port superstructure ownership	58
8.1.3.6	Port operations	58
9	Ports governance structures in Romania	59
9.1	Ports.....	59
9.1.1	Port of Drobeta Turnu Severin.....	59
9.1.1.1	Legislation and applied Port Management Model.....	Error! Bookmark not defined.
9.1.1.2	Port authority (port governance, port administration).	Error! Bookmark not defined.
9.1.1.3	Port land ownership	Error! Bookmark not defined.
9.1.1.4	Port infrastructure ownership	Error! Bookmark not defined.
9.1.1.5	Port superstructure ownership	Error! Bookmark not defined.
9.1.1.6	Port operations	Error! Bookmark not defined.
9.1.2	Port of Giurgiu.....	59
9.1.2.1	Legislation and applied Port Management Model.....	Error! Bookmark not defined.
9.1.2.2	Port authority (port governance, port administration).	Error! Bookmark not defined.
9.1.2.3	Port land ownership	Error! Bookmark not defined.
9.1.2.4	Port infrastructure ownership	Error! Bookmark not defined.
9.1.2.5	Port superstructure ownership	Error! Bookmark not defined.
9.1.2.6	Port operations	Error! Bookmark not defined.
9.1.3	Port of Galati.....	59
9.1.3.1	Legislation and applied Port Management Model.....	Error! Bookmark not defined.
9.1.3.2	Port authority (port governance, port administration).	Error! Bookmark not defined.
9.1.3.3	Port land ownership	Error! Bookmark not defined.
9.1.3.4	Port infrastructure ownership	Error! Bookmark not defined.
9.1.3.5	Port superstructure ownership	Error! Bookmark not defined.
9.1.3.6	Port operations	Error! Bookmark not defined.
9.1.4	Port of Constanta.....	59
9.1.4.1	Legislation and applied Port Management Model.....	59
9.1.4.2	Port authority (port governance, port administration).....	59
9.1.4.3	Port land ownership	60
9.1.4.4	Port infrastructure ownership	60

9.1.4.5	Port superstructure ownership	62
9.1.4.6	Port operations	63
10	Ports governance structures in Bulgaria	68
10.1	Ports.....	68
10.1.1	Port of Lom.....	68
10.1.1.1	Legislation and applied Port Management Model.....	68
10.1.1.2	Port authority (port governance, port administration).....	69
10.1.1.3	Port land ownership	70
10.1.1.4	Port infrastructure ownership	70
10.1.1.5	Port superstructure ownership	71
10.1.1.6	Port operations	71
10.1.2	Port of Ruse.....	72
10.1.2.1	Legislation and applied Port Management Model.....	72
10.1.2.2	Port authority (port governance, port administration).....	74
10.1.2.3	Port land ownership	75
10.1.2.4	Port infrastructure ownership	75
10.1.2.5	Port superstructure ownership	75
10.1.2.6	Port operations	75
10.1.3	Port of Vidin.....	77
10.1.3.1	Legislation and applied Port Management Model.....	77
10.1.3.2	Port authority (port governance, port administration).....	78
10.1.3.3	Port land ownership	79
10.1.3.4	Port infrastructure ownership	79
10.1.3.5	Port superstructure ownership	79
10.1.3.6	Port operations	79
11	Ports governance structures in Moldova	81
11.1	Ports.....	81
11.1.1	Port of Giurgiulesti.....	81
11.1.1.1	Legislation and applied Port Management Model.....	81
11.1.1.2	Port authority (port governance, port administration).....	81
11.1.1.3	Port land ownership	81

11.1.1.4	Port infrastructure ownership	82
11.1.1.5	Port superstructure ownership	82
11.1.1.6	Port operations	82
12	Ports governance structures in Ukraine	83
12.1	Ports.....	83
12.1.1	Ports of Reni and Izmail.....	83
12.1.1.1	Legislation and applied Port Management Model.....	83
12.1.1.2	Port authority (port governance, port administration).....	83
12.1.1.3	Port land ownership	84
12.1.1.4	Port infrastructure ownership	85
12.1.1.5	Port superstructure ownership	85
12.1.1.6	Port operations	86
13	Conclusions	88

Table of Figures

Figure 1. Layout of the Ennshafen port.....	18
Figure 2. View of the Ennshafen Port.....	19
Figure 3. and 4. Organization chart Port of Vienna	26
Figure 5. Port land ownership.....	27
Figure 6. Port of Vienna – location Freudenau.....	28
Figure 7: Port of Vienna – location Albern.....	29
Figure 8.: Port of Vienna – location Lobau.....	30
Figure 9: Organization chart - Public ports, JSC	35
Figure 10. Port of Bogojvevo.....	50
Figure 11. Port of Bačka Palanka	53
Figure 12. Port of Prahovo.....	56

1 Table of Tables

Table 1: Following ports are selected for detailed analysis in this report.....	12
Table 2. Overview of port governance models.....	15

2 Abbreviations

Abbreviation	Explanation
IWT	Inland Waterway transport
SME	Small and Medium Enterprise
SPaP	Slovenská plavba a prístavy, a.s.
IWW	Inland Waterway
TEN-T	Trans-European Transport Network
PGA	Port Governance Agency

3 Introduction

3.1 Scope of the report

This deliverable will contain a detailed and structured analysis of different port governance and management models applied in participating Danube countries and ports, focusing on the correlation between:

- port governance structure (form of a port authority, its legal status and jurisdictions);
- ownership structure of infrastructure, superstructure, equipment and port operators;
- division of administrative/governance functions from commercial/operational functions;
- different roles of port authorities and operators to define and charge port tariffs.

PGA will be in charge of preparing the report, whereas PDR, EHO, PDM, VPAs, HFIP, PAV, MT, MPAC, iC and USPA will contribute by providing inputs on port governance systems in their respective countries and ports.

This report will encompass issues important for the port authorities. Due to the huge number of Danube ports, the study team agreed to provide high-quality analysis of 20 selected ports along the Danube and its tributaries, including the seaport of Constanta and Ukrainian ports of Reni and Izmail, located on the Danube River have a status of maritime ports.

Country	Ports
AUSTRIA	Enns and Vienna
SLOVAKIA	Bratislava and Komarno
HUNGARY	Budapest, Dunaujvaros and Baja
CROATIA	Vukovar
SERBIA	Bogojevo, Bačka Palanka and Prahovo
ROMANIA	Drobeta Turnu Severin, Giurgiu, Galati and Constanta
BULGARIA	Lom and Ruse
MOLDOVA	Giurgiulesti
UKRAINE	Reni and Izmail

Table 1: Following ports are selected for detailed analysis in this report

3.2 Port governance structures – general data

Set of general port governance structures data is established as follows:

Legislation and Port Management Models

Management of ports is regulated by the Law and other regulations. Each port will elaborate legislations and regulations: national and international. According to the WB Port Reform Toolkit there are four main port management models based upon the respective responsibility of the public and private sectors: public service ports, tool ports, landlord ports, private service ports. In this regard, each port will elaborate applied port management model.

Port authority (port governance, port administration)

Port authority represents a body/entity (publicly owned company, governmental institution, organisation or similar) that acts as a “roof” organisation for all port locations at a given place (city, municipality, region, etc.). Port authority may sometimes be the same legal entity as port operator. If the administrative functions of port governance (administration/management) are not organisationally separated from commercial activities of port operations/ port exploitation. For all selected ports, detailed description of the port authority, including its name, competences and geographical coverage will be elaborated.

Legal name of a body or entity having port authority functions will be identified for all selected ports along the Danube.

Port authority separated from port operator(s)

An assessment of port governance and operating functions will be performed for all selected ports. Each port will present if these two functions are practiced within the same body/entity or if these two functions are organisationally and legally separated into two or more legal entities.

Port land ownership

Depending on the port ownership legal setup and port governance (port administration, port management) systems in each riparian country, the ownership of the land within the port area may be of the state, region/province, municipality, private or of other entities. The port land owner (or the landlord) is usually the regulator of the exploitation of the port and regulates the conditions and obligations related to the governance (administration) and/or use of the port and its facilities. Therefore, land ownership represents important subject to be analysed for each of the selected ports.

Port infrastructure ownership

For the purposes of the definition simplicity, it is adopted that the port infrastructure involves all port related infrastructure in the ground level, such as, quay walls, bank protection, port basins, berths, anchorages and/or mooring places, waiting areas, crane tracks, rail infrastructure and other publicly used infrastructure assets. Ports that are selected for this report will therefore be assessed from the point of view of infrastructure ownership. Such ownership is considered important as the owner of port infrastructure assets sets the rules of the type and scope of use of port infrastructure. As in the previous paragraph, owners of the port infrastructure can be the state, region/province, municipality or other entities (port authority, public companies for infrastructure construction and management, etc.) to which the ownership rights are given or transferred, by the supreme regulatory authority.

Port superstructure ownership

For the purposes of the definition simplicity, it is adopted that the port superstructure involves all port related superstructure: buildings (...) and equipment (...). Ports that are selected for this report will therefore be analysed from the point of view of superstructure ownership.

Port operators

Port operators will be identified in all selected ports along the Danube and their ownership structure will be assessed. Port operators nowadays are usually independent companies that may be public, private or even of mixed ownership. In a few cases in Danube ports, port operators are the same as port authorities, organised as commercial entities with both governance and operating responsibilities.

3.3 Basic of Port management model

There are four main port management models based upon the respective responsibility of the public and private sectors. They include the public service port, the tool port, the landlord port and the private service port. Each of these models concerns ports that have different characteristics concerning the ownership of infrastructure, equipment, terminal operation and who provides port services such as pilotage and towage. While service and tool ports mostly exist to promote public interests, landlord ports attempt to balance public and private interests. At the other end of the spectrum, private service ports are maximizing the interests of their shareholders.

Public service ports. The port authority of public service ports performs the whole range of port related services, in addition of owning all the infrastructure. They are commonly a branch of a government ministry and most of their employees are civil servants. Some ancillary services can be left to private companies. Because of the inefficiencies they are related with, the number of public service ports has declined.

Tool ports. Similar in every aspect to a public service port, the tool port differs only by the private handling of its cargo operations, albeit the terminal equipment is still owned by the port authority. In several cases, a tool port is a transitional form between a public service port and a landlord port.

Landlord ports. Represents the most common management model where infrastructure, particularly terminals, are leased to private operating companies with the port authority retaining ownership of the land. The most common form of lease is a concession agreement where a private company is granted a long term lease in exchange of a rent that is commonly a function of the size of the facility as well as the investment required to build, renovate or expand the terminal. The private operator is also responsible to provide terminal equipment so that operating standards are maintained.

Private service ports. The outcome of a complete privatization of the port facility with a mandate that the facilities retain their maritime role. The port authority is entirely privatized with almost all the port functions under private control with the public sector retaining a standard regulatory oversight. Still, public entities can be shareholders and thus gear the port towards strategies that are deemed to be of public interest.

Source: *Port Reform Toolkit, The World Bank (2007), Second Edition*





Type	Land	Port Infrastructure	Port Superstructure	
Explanation/ Examples	port areas	quays, roads, railway tracks, electricity, sewage system...	Buildings office buildings, storage facilities, silos, etc.	Equipment cranes, reach stackers, forklifts, trucks, etc.
Illustration				
Public Port	Public	Public	Public	
Tool Port	Public	Public	Private	
Landlord Port	Public	Private	Private	
Private Port	Private	Private	Private	

Table 2. Overview of port governance models

4 Ports governance structures in Austria

4.1 Ports

4.1.1 Port of Enns

4.1.1.1 Legislation and applied Port Management Model

In Austria the main legal regulation governing ports is the Federal Navigation Law (Schifffahrtsgesetz). It consists of several individual parts and governs all regulatory aspects of Austrian navigation and port law. For the purpose of this report the most relevant part is the third part, which stipulates rules for the construction and operation of shipping facilities such as ports. The application of the Navigation Law depends on the type of body of water concerned. The Navigation Law applies i. a. to the Danube which is defined as waterway pursuant to Article 1 (1) in connection with Article 15 (1) Navigation Law and Article 2 (1) Water Rights Act (Wasserrechtsgesetz³).

On the level of secondary legislation, the most important regulations are the Shipping Facilities Ordinance (Schifffahrtsanlagenverordnung⁴) and the Waterway Traffic Ordinance (Wasserstraßen-Verkehrsordnung⁵). Both ordinances were passed by the Minister of Transport, Innovation and Technology ("BMVIT") and specify primary legislation. The Shipping Facilities Ordinance regulates, in particular, the operation and use of shipping facilities as well as port fees. The Waterway Traffic Ordinance, inter alia, lays down general rules for the navigation of the Danube and also stipulates rules for ports.

As far as EU port legislation is concerned the rules have generally been implemented in the Navigation Law. On the level of international law Austria is a contracting party to the Danube Convention (Belgrade Convention). The general principle of this convention is that navigation on the Danube shall be free and open for the nationals, vessels of commerce and goods of all states, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. While the convention mainly sets out rules regarding shipping, it also contains general rules for port fees. The Danube Convention has the quality of a federal law in Austria.

According to Article 10 para 1 no 9 of the Austrian Federal Constitution (Bundes-Verfassungsgesetz⁶) the authority for legislation and implementation in the area of shipping on the Danube lies with the federal government. Danube Ports are therefore regulated uniformly on a federal level. The federal legislature has the authority to enact federal laws, such as the Navigation Law. The Navigation Law grants the BMVIT the power to issue secondary legislation in certain areas in order to specify the primary legislation.

The highest port authority in Austria is the Minister of Transport, Innovation and Technology ("BMVIT"). The BMVIT also has the authority to pass secondary legislation in certain areas of port legislation. In addition, in the Austrian provinces the district administrative authorities (Bezirksverwaltungsbehörden) are competent in port matters. In particular, the district administrative authorities are responsible for granting permits for the construction of shipping facilities (ports) pursuant to Article 71 Navigation Law.

(Source: National legal framework report Austria / by Pro Danube International 29032018)

3 BGBl. Nr. 215/1959, last amended by BGBl. I Nr. 58/2017.

4 BGBl. II Nr. 298/2008, last amended by BGBl. II Nr. 6/2017.

5 BGBl. II Nr. 289/2011, last amended by BGBl. II Nr. 171/2017.

6 BGBl. Nr. 1/1930, last amended by BGBl. Nr. 138/2017.

Port Management Model – Landlord port

Ennshafen port is a TEN-T-core port (Rhine-Danube corridor waterway) in Austria and is located on river km 2112 in the mouth of river Enns to the Danube at the border between the federal states of Upper Austria and Lower Austria. The port in total is the largest connected industrial area on the Upper Danube. It is a combination of business park areas and port areas. The port area is in total 352 ha thereof 110 ha are owned by the port authorities (Ennshafen OÖ GmbH und Ennshafen NÖ GmbH) and 242 ha are owned by other private companies and therefor is a so-called “landlord” port model. The port has 7 terminals, 16 berths, 2 basins and several kilometres of quay walls along the river side (Enns). The whole port area has 6 road entrances, each with double lines and two main rail entrances access the total area from two different sides. Within the area there is a wide system of internal rail network with many different users and owners.

4.1.1.2 Port authority (port governance, port administration)

Ennshafen Port: Ennshafen OÖ GmbH – a company owned by the federal district of Upper Austria – is the owner of the port and do all the administration of the port; Ennshafen port has the PPP-principle (public, private partnership) as a core part of the business strategy, therefore only responsible for the building the basic infrastructure, the superstructure is invested by private companies, who have got special contracts with EHOO (license contracts and shipment contracts); as well the core parts of the Ennshafen port (quays) are part of a greater mixed area, were a lot of other private companies are owners of ground, buildings and transshipment facilities; The ownership of ports is not defined in Austrian legislation.

However, in practice in Austria a clear distinction has to be made between “port owner” and “port shareholder”. In Austria the Danube ports are owned by companies and not directly by the state. Some of the shareholders of these companies are, however, state bodies.

For example, in the Ennshafen port, due to the legal situation the port companies (Ennshafen OÖ GmbH and Ennshafen NÖ GmbH) are the owners of all the licenses and the assets, etc. – so these companies are the “owner”; but in some other aspects the “owner” shall characterize the ownership of the company (state owned). Therefore, the shareholders of Ennshafen OÖ GmbH and Ennshafen NÖ GmbH is the province of Upper Austria and the province of Lower Austria.

4.1.1.3 Port land ownership

Layout of the Ennshafen port is given in the following picture.



Figure 1. Layout of the Ennshafen port
 (Source: EHOÖ)

Ennshafen – Public private partnership

As a public-private partnership, the Ennshafen port represents a joint endeavor between government and business. Our economically sound long-term vision and our efficient organization all provide a solid foundation for the continuing expansion of our port infrastructure – an outcome that benefits the wider economy. As a hub of cosmopolitanism and neutrality, we work together with our logistics and business partners to accomplish pioneering projects. The Ennshafen port and the business parks of Enns and Ennsdorf are collaboratively marketed by Ennshafen OÖ GmbH and Ennshafen NÖ GmbH as EHG Ennshafen GmbH.

Port Area: total 352 ha; 110 ha are owned by the port authorities (Ennshafen OÖ GmbH and Ennshafen NÖ GmbH) and 242 ha are owned by other private companies; The port has got 2 basins and several quays along the river side (Enns); port service time (waterside) is the whole week (7/24 – 168 h/w); the several transshipment stations and service providers have got on time systems due to market efforts.

The cosmopolitan and neutral Ennshafen port makes its infrastructure available to all transshipping and manufacturing companies. The synergy that exists between privately owned spaces and public infrastructure investment generates unique potential for development. This partnership between the public sector and private enterprise, our economically sound long-term vision, and our efficient organization all provide a solid foundation for the continuing expansion of our port infrastructure – an outcome that benefits the wider economy.

4.1.1.4 Port infrastructure ownership



Figure 2. View of the Ennshafen Port
(Source: EHOÖ)

As a hub of cosmopolitanism and neutrality, the Ennshafen port makes its infrastructure, owned by Ennshafen OÖ GmbH, available to all transshipping and manufacturing companies. In the business parks are more than 60 businesses, which employ around 2,600 people. The synergy that exists between privately owned spaces and public infrastructure investment generates potential for development.

The public private partnership model (partnership between the public sector and private enterprises) provide a solid foundation for the continuing expansion of the port infrastructure. The Ennshafen port and the business parks of Enns and Ennsdorf are collaboratively marketed by Ennshafen OÖ GmbH and Ennshafen NÖ GmbH as EHG Ennshafen GmbH.

Serving the largest continuous industrial area on the Upper Danube, the Ennshafen port is a trimodal transshipment center spanning 3,5 million square meters. The port facility, the Enns business Park (1,750,000m²), and the Ennsdorf Business Park (680,000 m²) are the centerpiece of this successful economic zone.

The direct access to the railway system – with our own feeder line and two shunting yards – and nearby motorway and federal highway links ensure perfect transport connections by land for the companies based at the Ennshafen port. Linz Airport is just a short distance away.

The Ennshafen port is the newest public port in Austria. Waterways, rail and road connections empower the port as a transport hub for goods and commodities in international logistics operations and for local businesses. It links the main transport routes for international cargo, the rhine-Main-Danube waterway from west to east and the north-south railway that extends from the North Sea to the Adriatic.

4.1.1.5 Port superstructure ownership



The total port area is a mixture between area of the port company (= Ennshafen OÖ GmbH + Ennshafen NÖ GmbH) and private companies. There are many owners in Ennshafen port. The core areas (waterside) are owned by the port company (public owned company), but due to history (in former times a great chemical industry park was started but afterwards sold) a great PPP-complex was established.

Ennshafen port furthermore has 2 public authorities because the river Enns is the border between Upper Austria and Lower Austria (Ennshafen OÖ GmbH / Upper Austria, Ennshafen NÖ GmbH / Lower Austria). The port authority invests all the infrastructure and private owned companies have special license agreements for quay usage and (sometimes) for land lease with the port authority and invest the suprastructure (in some cases they are owner of the land close behind the quay). The total port area has 110 ha that is in the ownership of the port authority and 242 ha in private ownership.




Surface pavement & drainage and precipitation water pre-treatment: the port activities and industrial parts were started 40 years ago; due to the mixture between port and private area all the utilities concerning drainage are a combined system; the situation is not state of the art according to strict Austrian (and even German) laws and a lot of improvement projects are necessary by force of the authorities and due to economic reasons (general maintenance of the areas, sometimes divestment of old very huge dimension, bring to a modern standard for new shipment equipment,..)

Special eco-friendly equipment: a lot of devices have been built in Enns due to special problems or authority papers and neighbourhood problems (e.g. installed oil barrier for a port basin; noise barrier along the railway line,...)

4.1.1.6 Port operators

Company	Picture	Ownership/Terminal	Basis
Danubia Speicherei Ges.m.b.H.		Private Cargo Handling Company Quay 11	contract
Fixkraft-Futtermittel GmbH		Private Cargo Handling Company Quay 12	contract
Donausäge Rumplmayr GmbH		Private Cargo Handling Company Quay 14	contract
LNG Tankstelle – RAG Austria AG		Private Company – Filling station only for trucks	contract

<p>Primagaz GmbH</p>		<p>Private Company Quay 16, 17</p>	<p>Contract</p>
<p>Container Terminal Enns GmbH</p>		<p>Private Company Quay 17, 18, 19</p>	<p>Contract</p>
<p>Rauch Recycling GmbH & Co KG</p>		<p>Private Company Quay 20</p>	<p>Contract</p>
<p>Galaxy Power GmbH – bunkering station</p>		<p>Private Company</p>	<p>Contract</p>
<p>Lithos Industrial Minerals GmbH</p>		<p>Private Company Quay 1</p>	<p>Contract</p>

Fuchshuber Agrarhandel GmbH		Private Company Quay 1, 6, 7	Contract
Johann Neumüller GmbH		Private Company Quay 4, 4a	Contract
First-DDSG Logistics Holding GmbH		Private Company Quay 21	Contract

4.1.2 Port of Vienna

4.1.2.1 Legislation and applied Port Management Model

The Hafen Wien is already the largest port on the Danube in Eastern Austria and its diverse logistical capabilities and capacities continue to be enlarged. Although it is 2.000 km from the Black Sea and 1.500 km from the North Sea, it has the great advantage of being the largest trimodal logistics centre in Austria, bringing together road, rail and water transportation and making it the ideal place for the transportation of goods and for container storage, trade and management.

Position

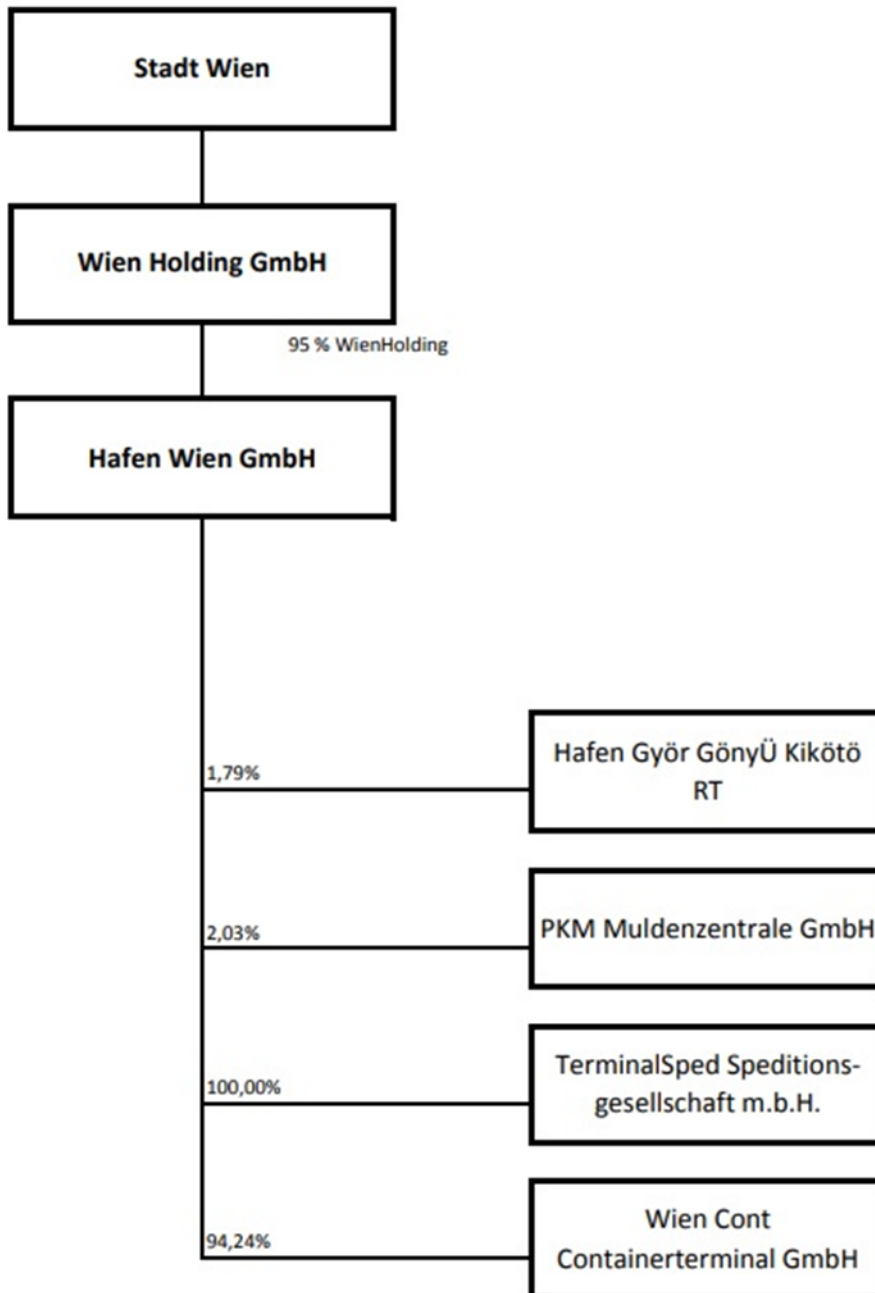
Port of Vienna is located on river km 1920 of the Danube, covering both left and right bank. Port has three different basins on three nearby locations: Freudenuau, Albern and Lobau. In addition, Port of Vienna has a passenger terminal.

4.1.2.2 Port authority (port governance, port administration)

Hafen Wien GmbH is a member of a public company Wien Holding which has 95% of ownership of Hafen Wien GmbH, while the Vienna Economic Chamber (Wirtschaftskammer Wien) has a 5 percent share in the company. Hafen Wien GmbH is the owner of the port facilities comprising real estate, buildings, wharf equipment, and manages the harbours in Freudenau, Albern and Lobau. Apart from ownership and operation of all storage and vehicle facilities and all real estate that is not directly located in the port, the company Hafen Wien GmbH is responsible for all crane operations required for cargo handling. It also manages the holdings WienCont and TerminalSped. Since 2020, the Port of Vienna is called Hafen Wien GmbH. Both former operating companies, Wiener Hafen GmbH & Co KG and Wiener Hafen und Lager Ausbau- und Vermögensverwaltung GmbH & Co KG have been integrated into Wiener Hafen Management GmbH. As a result, Management GmbH was renamed to Hafen Wien GmbH.

The Port of Vienna employs three port masters, who are located among the three port locations and control, process and document the waterside port business. These three port masters are official auxiliary bodies of the port authority. The responsible authority in the Vienna Region is the municipal department 58 as well as the shipping police. The Municipal Department 58 is responsible for official permits regarding water law and the Waterway Police for the waterway transport route.

Organization chart Port of Vienna



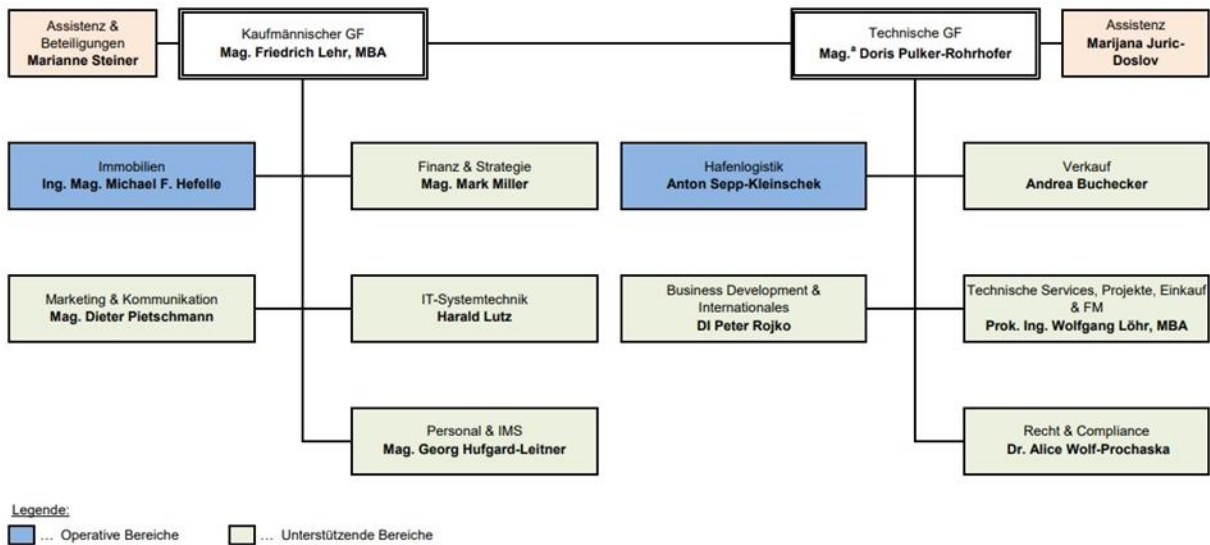


Figure 3. and 4. Organization chart Port of Vienna

4.1.2.3 Port land ownership

The Port of Vienna is 100% owned by the City of Vienna. Real estate and surface areas in Vienna and the surrounding environment are either owned by the Port of Vienna or the Port of Vienna has the management authority on behalf of the City of Vienna.

At this point in time, it is not possible to provide any more precise information regarding the distribution of own and third-party management of the Port of Vienna's areas. Only a rough estimate by area is possible. The port of Vienna is divided into the following areas:

Main areas Port of Vienna	Operator	Management	Comment	Area-Size
Freudenau	Operated by the Port of Vienna	Port of Vienna	30% Third-Party Operator	1.165.000m ²
Albern	Third-Party Operator	Port of Vienna	Area 99% rented; Weighbridge in operation of the port; Handling employee heavy cargo	332.000m ²
Lobau	Third-Party Operator	Port of Vienna	Area 100% rented; Port master	662.000m ²
Business construction areas	Third-Party Operator	Port of Vienna	Area 100% rented	546.000m ²
HQ7	Third-Party Operator	Port of Vienna	1% Operated by the Port of Vienna; Office, City logistic project called HUBERT- Stadtlogistik	60.000 m ²
Overall Areas				2.765.000 m²

Figure 5. Port land ownership

The square meter values refer to the actual area of the region, water areas are not integrated. If you add these, you get a total area of the port of Vienna of 3.500.000 m².

4.1.2.4 Port infrastructure ownership

The port area covers roughly 350 hectares of port land, in three cargo locations, accompanied by the area belonging to the passenger terminal and a marina for leisure and sport vessels. Information on any port land available for the development of port-related activities was not available at the time of writing of this report. Nevertheless, based on the development projects that include the land reclamation from the waterfront areas within the port, it can be concluded that the port has no available space for development as it has to reclaim the space from the areas currently occupied by water surface of the port basins.

As mentioned earlier, the port has 3 port basins, providing for the maximum draft of 2,7 meters. Cargo handling capacity was not available at the time of writing this report, except in TEU/year, which reached 450.000 TEU/year.

Location Freudenau (rkm 1920.1)

Freudenau harbour (Figure 6) is the centre of the cargo handling facilities on the Danube in Vienna.



Figure 6. Port of Vienna – location Freudenuau
(Source: www.hafen-wien.com)

Port of Vienna – location Freudenuau

It contains the handling amenities for bulk goods and raw materials, the container terminal, a car terminal, warehouses and depots, distribution centres for brand articles, the largest free port in Austria with a customs office and its own police station and the offices of Hafen Wien.

It is also a haven and winter harbour. Following facilities are located in Freudenuau:

- Management and general administrative headquarters
- Free port / customs office
- Warehouse and brand article distribution centre
- Car terminal
- Cargo handling terminal
- Container terminal
- Police station
- Haven and winter harbour

Location Albern (rkm 1918.3)

Albern harbour (Figure 7) handles building materials, agricultural and steel products. There are five large grain silos on the site with a capacity of 90,000 tons, making

Albern the most important grain handling location in Eastern Austria. Following facilities exist in the Albern harbour:

- Building materials terminal
- Grain handling and storage
- Heavy goods handling
- Automatic weighbridge



Figure 7: Port of Vienna – location Albern
(Source: www.hafen-wien.com)

Location Lobau (rkm 1916.4)

On this location (Figure 8), the storage and handling of mineral oil production is provided. Every year around 1,000 tankers dock in the seven berths in the oil terminal and around one million tons of mineral oil products are handled there. The oil

terminal is connected by pipelines to the central Lobau fuel depot and the oil refinery in Schwechat. There is also a rail freight station connecting to the railway network. The terminal stations have online measuring systems and automatic loading systems. The pump and loading stations are on floating pontoons.



Figure 8.: Port of Vienna – location Lobau

(Source: www.hafen-wien.com)

General cargo and bulk goods such as agricultural products, building materials, metals, salts, vehicles and containers are handled in Freudenau and Albern. Liquid products such as mineral oil derivatives are handled at the Lobau oil terminal. Heavy transports and motorboats are also handled in Freudenau.

- Highly qualified personnel ensure rapid and reliable processing.
- Bulk goods and raw material warehouses
- Open-air storage areas
- Crane installation with 6-160 t lifting capacity
- Mobile excavators
- Rail connection
- Covered loading zones
- Ro-ro ramp
- 2 weighbridges

The car terminal in the Hafen Wien currently has space for approximately 8.000 vehicles in an open-air area of approximately 200.000 square meters; covered space is available for 2.000 of these vehicles. It offers direct connection to all motorways and national and international railway networks as well as two high-performance ro-ro ramps for loading and unloading vessels, guaranteeing rapid delivery and transportation of vehicles.

49 Apart from the storage areas, the car terminal has the following facilities:

- 2 Washing installations
- Vehicle workshops
- Halls for cleaning vehicles and fitting of radios, spoilers and other accessories
- Petrol station, E-Petrol station
- Railway tracks for 50 vehicle transport cars
- Ro-ro facility (2 ramps)

The container terminal operated by WienCont, a subsidiary of Wiener Hafen, has an area of 120.000 square meters. The trimodal terminal connects the traffic modes of road, rail and inland waterways and offers a comprehensive range of services:

- Container handling from 6 to 45 tons with gantry crane and mobile handling equipment;
- daily block train connections to European seaports;
- Container storage: 7.000 TEU capacity; storage of all types including reefer points for refrigerated containers;
- Container repair and adaptation to individual customer requirements;
- Container business: the company buys and sells new standard and special containers;
- Container rental: the company's containers include not only storage and transport but also office and sanitary containers;
- Customs clearance;
- Incoming/outgoing road transport management.

Port of Vienna has more than 18 kilometres of quays and river banks, but only 5 kilometres of quay walls are operational (used for transport operations). Vertical quays are with a total length of 10.500 metres and sloped quays with a total length of 7.600 metres. The anchorage capacity is 80 vessels in all three ports. Bunkering facilities are available in the zone of the Port of Vienna. Facilities for supply of alternative clean fuels (e.g. LNG, etc.) are not available in the Port of Vienna and no such plans or future projects have been reported. Shore-side power supply facilities are not available in the port of Vienna. Waste collection facilities are available, but the info on the facilities for collection of used oils, oily waters, sludge and similar liquid waste was not available at the time of writing of this report.

4.1.2.5 Port superstructure ownership

Port of Albern

The Port of Vienna acts here as land owner or manager. The buildings and technical facilities are leased on a long-term basis, or owned by the customer by means of land leases.

Port of Lobau

The Port of Vienna acts here as land owner or manager. The buildings and technical facilities are leased on a long-term basis, or owned by the customer by means of land leases.

Business Construction Area

The Port of Vienna acts here as land owner or manager. The buildings and technical facilities are leased on a long-term basis, or owned by the customer by means of land leases.

HQ7

The Port of Vienna acts as lessor.

Port of Freudenau

As described in the Port Land Ownership section, the Port of Vienna operates 70% of the space in the Port of Freudenau itself, 30% is leased to external operators. The majority of all stationary and non-stationary facilities in the Port of Freudenau are owned by Hafen Wien GmbH. There are a few land leases which have constructed buildings under their own responsibility.

The Port of Vienna offers various cooperation models here, such as:

- Rent
- Long-term lease of land with building rights
- Long-term lease of land with finished buildings
- Operational cooperation's without a business settlement

Example of the superstructure ownership: Port of Vienna Handlingequipment

The following technical equipment is located in the Break Bulk area of the port of Vienna.

- three Conveyor belts
- Mobil Crane with various attachments (Lifting capacity 84 tons), multimodal usable
- Small mobile Crane with various attachments, multimodal usable
- Fork-lifter (lifting capacity 8 tons)
- Wheel loader
- E-Crane (picture), multimodal usable
- Mobil Crane: Lifting Capacity 84 tons, Multimodal Usage, Attachments (Container Spreader, Scope)

4.1.2.6 Port operators

Besides businesses belonging to the Hafen Wien Group, more than 120 companies specializing in logistics, trade, construction materials and fuels have settled at the Port of Vienna. These include logistics companies such as Schenker, Cargomind, TerminalSped and Rail Cargo Austria, companies from the trade and construction sector such as Thyssen Krupp Stahlunion, Lafarge Perlmöser and Wopfinger Transportbeton, and companies from the fuel sector including OMV and Biodiesel Vienna. The enterprises in the Hafen Wien Group and the more than 120 companies located at the port employ 5,000 people, illustrating how important the Port of Vienna is as a driver of economic growth for the Austrian capital Vienna. Companies positioned at the quay wall are contractually bound to the use of the Danube waterway in the form of transshipment obligations and associated penalty payments. In the Port of Freudenu, the largest operator is Hafen Wien GmbH, fully state-owned (100%). Unfortunately, no info on shares of cargo throughput of the major port users was available at the moment of writing this report, mostly due to the limitations imposed by the data protection laws.

5 Ports governance structures in Slovakia

5.1 Ports

5.1.1 Port of Bratislava

5.1.1.1 Legislation and applied Port Management Model

Following legislation applies to all entities operating in the field of water transport:

- **Act no. 338/2000 Coll. on inland navigation and on the amendment of certain laws, as amended,**

This Act lays down the conditions for the implementation of inland navigation, the rights and obligations of legal entities and natural persons involved in inland navigation, the conditions of business in water transport, the conditions of regulation of the market in water transport, the competence of state administration bodies and state professional supervision in the field of inland voyage, classification and fitness of vessels, rights and duties of ship's crew members, investigation of navigational accidents and penalties for violation of the obligations established by this Act

- **Regulation of the Government of the Slovak Republic no. 193/2009 Coll. on the technical competence and operational competence of vessels, as amended by Government Regulation no. 416/2009**

EU legislation is regularly transposed into the Slovak legislation. Transposition of legislation is the very usual reason for amending national regulations. The operation model of the Port Bratislava is based on the “Landlord” model with the current form that is considered unusual in comparison to the traditional practice. The abnormality arises from the fact that the port managerial activities are limited to the lease of land. Ownership, maintenance, and development of the infrastructure are the responsibilities of the dominant operator, that is independent private entity.

5.1.1.2 Port authority (port governance, port administration)

Owner and authority over the defined territory of the public port of Bratislava is Public ports, JSC. Company has been established by the Slovak republic on which behalf the Ministry of transport and construction of the Slovak republic acts. The Ministry is 100% shareholder of the Public ports, JSC.

In accordance with Act no. 338/2000 Coll. on inland navigation, Public Ports, JASC performs the following activities:

- ensuring the preparation and implementation of the construction of public ports in the territory of the Slovak Republic, together with the elaboration of long-term and short-term concepts of their development,
- ensuring operation, maintenance, and repairs, as well as records of facilities and equipment in the territorial districts of public ports,

- lease of land in the territorial districts of public ports and other activities directly related to the disposal of property in the territorial districts of public ports,
- collecting charges for the use of public ports. The amount of payments is determined and collected based on a tariff approved by the Ministry,
- creating conditions for the development of combined transport, including the handling of units of combined transport.

The defined area of the Port of Bratislava was specified by a letter from the Ministry of Transport, Posts, and Telecommunications of SR, Department of Water Transportation from 17 June 2002 under ref. no.: 647-202/2002. The territory of the public port of Bratislava is defined between r.km. 1871,350 and 1862,0 on both banks of the Danube.

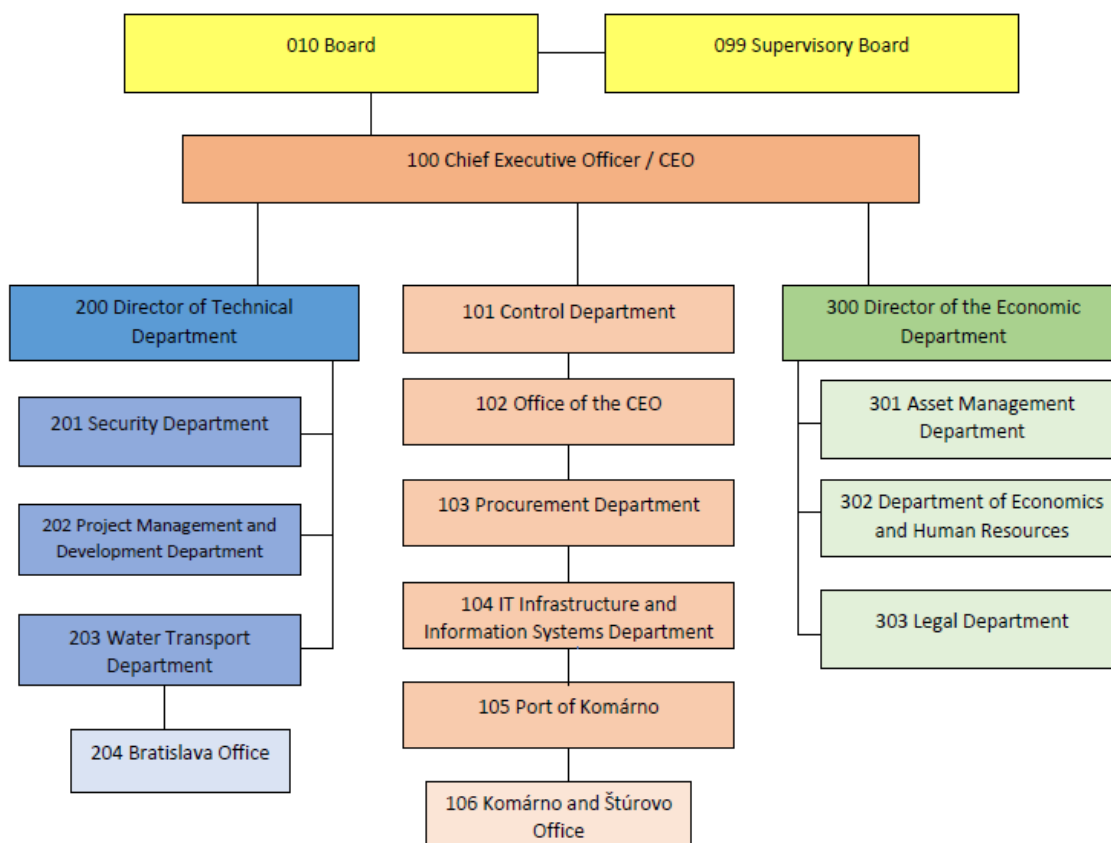


Figure 9: Organization chart - Public ports, JSC

5.1.13 Port land ownership

Owner of whole land in the defined territory of the public port of Bratislava is Public ports, JSC. This land is therefore state-owned. It is also categorized as “Priority fixed assets.” This means that without prior approval from the Government of the Slovak republic this land cannot be sold, swapped or be subject of the lien, meaning that it cannot be used as security of bank loan. This land may be leased.

5.1.1.4 Port infrastructure ownership

All infrastructure present at the public port of Bratislava is owned by the dominant port operator Slovenská plavba a prístavy, a.s. (SPaP). It is an independent private entity. SPaP obtained ownership during the privatization process and at same time it performs most performances in the port.

5.1.1.5 Port superstructure ownership

Situation is the same as in term of infrastructure. All superstructure present at the public port of Bratislava is owned by the dominant port operator Slovenská plavba a prístavy, a.s. (SPaP), an independent private entity. Superstructure is then either used by SPaP or leased to third parties.

5.1.1.6 Port operations

Slovenská plavba a prístavy, a.s. is dominant port operator, that owns all the infrastructure and superstructure. Company owns its fleet, operates own filling station and facility for waste disposal (both exclusively for it´s own fleet, not commercially). SPaP is an operator of the only trimodal container terminal in Slovakia. It´s core business model is based on transshipment of iron ore towards steel mill in Austria. SPaP lends some port facilities to private companies. The most important ones involved in transshipment are:

- Dalby, a.s. (private SME)

Transshipment company operating the mineral oil terminal. Company owned by dominant port operator (SPaP).

- Port Service Bratislava, s.r.o. (private SME)

Company providing transshipment of artificial fertilizers.

5.1.2 Port of Komarno

5.1.2.1 Legislation and applied Port Management Model

Public port of Komárno operates under the same legal regime as public port of Bratislava. All relevant legal information including operational (landlord) model is mentioned in 5.1.1.1 Legislation and applied Port Management Model.

5.1.2.2 Port authority (port governance, port administration)

Entity that serves the purpose of Port authority is Public ports, JSC. All relevant information is in 5.1.1.2 Port authority (port governance, port administration).

The defined area of the Port of Komárno was specified by a letter from the Ministry of Transport, Posts, and Telecommunications of SR, Department of Water Transportation from 17 June 2002 under ref. no.: 647-202/2002. "The VP Komárno area is delineated on the left bank of the Danube up to the left edge of the fairway perpendicular to the shore at river-km 1,770.00–1,762.00. On the left bank of the Danube, the border of the delineated area of the port runs from river-km 1,770.0 along the flood defence up to the road bridge.

5.1.2.3 Port land ownership

Owner of whole land in the defined territory of the public port of Komárno is Public ports, JSC (as well as in Bratislava). This land is therefore state-owned. It is also categorized as "Priority fixed assets." This means that without prior approval from the Government of the Slovak republic this land cannot be sold, swapped or be subject of the lien, meaning that it cannot be used as security of bank loan. This land may be leased.

5.1.2.4 Port infrastructure ownership

All infrastructure present at the public port of Bratislava is owned by the dominant port operator Slovenská plavba a prístavy, a.s. (SPaP). It is an independent private entity. SPaP obtained ownership during the privatization process and at same time it performs most performances in the port.

5.1.2.5 Port superstructure ownership

Situation is the same as in term of infrastructure. All superstructure present at the public port of Bratislava is owned by the dominant port operator Slovenská plavba a prístavy, a.s. (SPaP), an independent private entity. Superstructure is then either used by SPaP or leased to third parties.

5.1.2.6 Port operations

Current port operation is focused on transshipment of agricultural products. There are two active companies at the moment:

- Slovenská plavba a prístavy, a.s. is dominant port operator, that owns all the infrastructure and superstructure.
- Ddsg Mahart Kft.

DDSG Mahart Kft., commonly known as Mahart is a Hungarian water freight transportation company headquartered in the city of Nadap in the Fejér megye region. It has been incorporated in 1999 and it's a part of the Austrian group - First-DDSG Logistics Holding GmbH. The company's main activities are maritime and inland waterway transportation.

6 Port Governance structures in Hungary

6.1 Ports

6.1.1 Port of Budapest

6.1.1.1 Legislation and applied Port Management Model

Port operations are regulated by the mentioned Act XLII of 2000 about water transportation. Act on Water Transportation regulates all IWW passenger, cargo traffic and leisure activities by any waterborne vehicles. (The Act was created by the national legislation.)

In case of Freeport of Budapest, the ownership of the area, the water basins and all of the port infrastructure and superstructure is trusted on the corporation of FBL (Freeport of Budapest Logistics Inc.) by the landowner MAHART-Szabadkikötő Inc. The landowner does not take part of the management and operation of the port, however the FBL not only functions as a full port authority but it also provides basic port services by itself and by contractors. Originally the company (and its predecessor) operated the Freeport with all of its services and infrastructure and it was responsible for cargo handling as well. As a result of privatization process and due to the owner's long-term strategy FBL outsources almost all of its functions and services to other commercial companies. It retains the ownership of most of the infrastructure (roads, rail, warehouses, quays, etc.) and superstructures (mostly cranes, though some of them are sold to port operators). Almost all of these are rented and leased out to the port operators. The owner's strategy was to reduce operating risks and operation problems and through outsourcing and leasing maintaining a steady flow of income and profit.

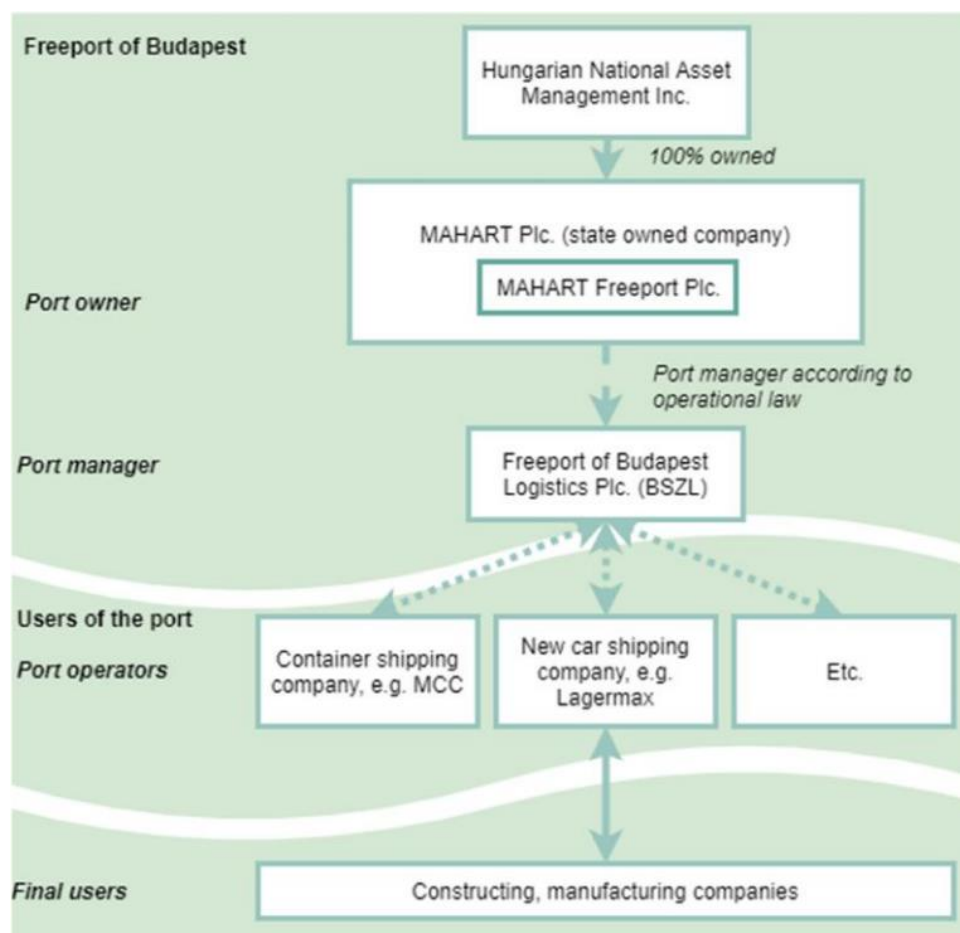
6.1.1.2 Port authority (port governance, port administration)

MAHART Freeport Plc., the owner of the port land and its infrastructure (quays, basins, berths, etc.) is a 100% state owned company owned by the Hungarian National Asset Management Inc. The port authority, responsible for port governance and port administration, is Freeport of Budapest Logistics Ltd. (hereinafter: BSZL). BSZL's legal successor called MAHART Freeport Corp. was set up on 1 September 2005. MAHART Freeport provides the right to BSZL to operate the Freeport of Budapest for 75 years within the pre-privatization and operation contract. This contract includes the possession and use of property owned by MAHART Freeport.

The Freeport is operated by public and private companies running their businesses in the area of the port, among them the most important ones are:

- ArcelorMittal Distribution Hungary Ltd.
- Lagermax Dunalogisztikai Ltd.

- MAHART Container Centre Ltd. (M.C.C.)
- Ghibili Ltd.
- MASPED PORT Logistics Centre
- Ferroport Ltd.
- MAHART Gabonatárház Kft. (Grain warehouse Ltd.)



6.1.1.3 Port land ownership

The owner and also the asset manager MAHART-Freeport Plc. is a state-owned company, that continuously plans and implements the investments necessary for the operation of the port in order to ensure the status of a National Public Port, and after the completion of the investments activates and registers the developments in its books.

The Freeport of Budapest Logistics Inc is privately owned and the beneficiary of the land. The company develops operations and non-infrastructure developments (warehouse, office, other).

6.1.1.4 Port infrastructure ownership

The companies operating the infrastructure have acquired the right to operate the infrastructure in an open tender from the owner and the property manager MAHART-Freeport Plc.

6.1.1.5 Port superstructure ownership

The owner of superstructure is the Freeport of Budapest Logistics Inc. The company as beneficiary develops the various superstructures and utilizes them through leasing.

6.1.1.6 Port operations

Operators of the Freeport are those private and public companies that run their businesses at the harbour. BSZL simply coordinates among them, and help them at hiring labour, supporting loading and other logistic companies to meet each other and to improve their network, facilities, and economical positions.

ArcelorMittal Distribution Hungary Ltd. is among the largest steel companies of the world, having 310.000 employees in more than 60 countries. It has led the consolidation of the world steel industry and ranks as one of the only truly global steelmakers. It is the leader in all major global markets including automotive, construction, household appliances and packaging. The company leads in R&D as well, holding sizeable captive supplies of raw materials and operates extensive distribution networks. ArcelorMittal holds the operational rights and access for the properties of the Freeport financed by the long-term cooperation of the port and the company. The company has been operating in the port since 2007, before that it had permanent and temporary warehouses in several settlements in Hungary. The company operated in the port area of nearly 0.4 ha, with its covered and free warehouse. ArcelorMittal purchased the warehouse hall in 2013 by holding its pre-emptive right.

Ferroport Ltd., established in 1988, is a joint subsidiary of MAHART and M. Preymesser GmbH. The company is active in the Freeport, operating in about 4.5 ha that is its own area, not leasing it as almost all other companies are. Their speciality is that their 3800 m² hall provides sheltered/covered storage and storage facilities for products arriving on road, rail, IWW. Logistic activity carried out by the company signifies river transshipment of metallurgical products and cereals, as well as goods handling in their 9000 m² warehouse. The subsidiary of an Austrian company, Lagermax Dunalogisztikai Ltd., having a Central- Eastern European focus, has been operating in Hungary since 1990. Their core activity is freight transport. They have 250 employees. Working with wide range of clients based on long term contracts led them to have deep partnership with companies such as Porsche Hungária, Ford, Toyota. Furthermore, the company has Ukrainian, Romanian and Serbian partners too. Their headquarter is in Budaörs, but they also have locations in Esztergom and since 1998, at the Csepel Freeport.

MAHART Container Centre Ltd. (M.C.C.) is a container terminal operating in the Freeport of Budapest having a great advantage of tri-modal services availability.

M.C.C. has been operating and providing its own terminals independently for all clients since 1998. M.C.C. has been growing since the 90s, it has multiplied its container traffic, requiring a continuous improvement of infrastructure and equipment. M.C.C. manages loading for its and BSZL's partners.

MAHART Gabonatárház Ltd. (Grain Warehouse) is a subsidiary of BSZL. With a duty-free zone in the port, modern loading and unloading equipment, Hungary could become more involved into Danube's and international trade chains. The main profile of the company is grain storage and public warehousing. They undertake full customs clearance for their partners. Their usable warehouse space is 3.3 ha suitable for storing 30.000 tons of wheat, but typically does not store more than 22-25 thousand tons. Within the physical facilities of the repository, commodity separations are undertaken by the buyer's request. Grain warehouse operates an overburdened transshipment base of several hundred thousand tons per year, the

Agroterminatum, established in 1997, suitable for the transshipment of agricultural products intended mainly for export. It also makes conducting direct transshipment between river and land transport equipment possible.

The currently 100% Hungarian owned Ghibili Ltd., established in 1996, provides full-scale logistics service including Italian-related transportation from the beginning, warehouse services since 1998 and a VAT warehouse since 2004. Within their inland transportation the company organizes the distribution from warehouses to every corner of Hungary.

Being a member of MASPED Group, MASPED PORT Logistics Centre is a leading supra-regional distributor. The member companies provide their Hungarian and foreign customers high-end services in all branches of shipping forwarding and related fields of activities. The company has been operating in the Freeport since 2005, currently providing their services at two warehouses, utilizing the advantages of bi-modal connections to railway and waterways.

6.1.2 Port of Dunaújváros

6.1.2.1 Legislation and applied Port Management Model

Port operations are regulated by the mentioned Act XLII of 2000 about water transportation. Act on Water Transportation regulates all IWW passenger, cargo traffic and leisure activities by any waterborne vehicles. (The Act was created by the national legislation.)

The port regulations published in 2018 are in force. (http://www.portolan.hu/file/krend_hun.pdf)

6.1.2.2 Port authority (port governance, port administration)

Port authority's name is ISD Dunaferri Dunai Vasmű Zrt., the same as port operator.

6.1.2.3 Port land ownership

Owner of the port territory is ISD Dunafer Zrt. 4,8 HA, and Centroport Kft. 0,3446 HA. Cooperation on the basis of a contract, taking into account the interests of both parties.

6.1.2.4 Port infrastructure ownership

Owner of the quays is ISD Dunafer Zrt. The quay is operated by Centroport Kft. at berth 6. and by ISD Dunafer Zrt. at berth No-1-5.

6.1.2.5 Port superstructure ownership

Topographical number Hrsz. 3361/2:

One terminal -operated by Centroport Ltd.- is dedicated to agro-logistic river/rail/road, transshipments, covered /1600 sqm/ flat grain storage owned by Centroport Kft.

All other areas are as follows:

Topographical numbers Hrsz 3360, 3361/1, 3363-67, 3369, 3371/7 owned by ISD Dunafer Zrt.

357 m2 building is located at Hrsz.3363, 2926 m2 building is located at Hrsz.3364.

6.1.2.6 Port operations

There are only two port operators. ISD Dunafer Zrt. and Centroport Kft. work in the port in parallel.

Cooperation on the basis of a contract, taking into account the interests of both parties.

ISD Dunafer Zrt. the steel works has Russian professional owners and the Russian state is also a shareholder in the company.

Centroport Kft. Ownership of Port-Grain Kft. : 51% and Glencore Netherlands BV. ownership: 49%

The average annual loading/discharging capacity is about 800,000 mto, depending on the import of raw materials, over 1 million mto, but, for example, last year it decreased by 600,000 mto.

Terminal 6 loads agricultural bulk products, Terminal 5 loads coke and steel in bulk, Terminal 3-4 loads steel goods, and Terminal 1-2 loads coal and ore.

6.13 Port of Baja

6.13.1 Legislation and applied Port Management Model

Port operations are regulated by the mentioned Act XLII of 2000 about water transportation. Act on Water Transportation regulates all IWW passenger, cargo traffic and leisure activities by any waterborne vehicles. (The Act was created by the national legislation.)

6.13.2 Port authority (port governance, port administration)

Since 1992, the port of Baja has been granted a National Public Port rating by law. This certification also provides a state guarantee for the operation of the port. In 1999, the Baja National Public Port Management Target Company was established. The task of the established company is to ensure the conditions of the service level in accordance with the international and national norms in the area classified as a national public port (208,795 m²).

Baja Public Port Ltd. acts as the port authority by law.

The aim of the Baja PP Ltd. is to operate the state property entrusted to it as efficiently as possible. The city, the small region, the Southern Great Plain regional region, the Southern Transdanubia region, and their connection should become the development factor of the region. By performing the tasks of a logistics service provider, it must provide an opportunity for the settlement and development of all economic companies whose activities are related to trade, forwarding and production, and provide them with more economical transport and production opportunities.

6.13.3 Port land ownership

The owners of the Baja Public Port Ltd. are the Hungarian National Asset Management Inc. (Hungarian State), the Municipality of Baja and ÁTI DEPO Plc. Each entity has 33,33% share of the company.

6.13.4 Port infrastructure ownership

The quay walls and direct waterfront areas are approximately 20 hectares owned by the Hungarian State. The underlying industrial areas are the property of the companies operating the port. The transport roads are owned by the Municipality of the City of Baja, car parks are owned by the Hungarian State, the railway network is owned by the Hungarian State and a branch is privately owned. Other port infrastructure (water, fire water, electricity, gas, sewer) is owned by the Hungarian State and the Municipality of the City of Baja, while in private areas it is owned by the operator. The water surface (parts of the Danube ports) is owned by the Hungarian state.

6.13.5 Port superstructure ownership

In the port, the storage capacity has developed according to the typically loaded goods. The agricultural environment specializes mainly in the handling, storage and loading of self-produced agricultural products produced in the region. The three-quarters of the trade is based from the mentioned goods. That's why our storage capacity consists largely of silos and flat warehouses providing multi-purpose storage. Other products that are less sensitive to the weather are stored outdoors in solid, paved areas, these can be bulk goods, big bags, containers of various sizes, wagons, trucks.

6.13.6 Port operations

The port of Baja currently has 9 terminals, of which 8 are economic loading bays, and the ninth is a port for the neutralization of environmentally harmful waste and hazardous substances generated by watercraft. The 8 economic port units are the following:

- 1 Ro-Ro terminal,
- 1 heavy lift loader,
- 1 two-line container loader,
- 3 grain loaders,
- 1 wood loading port,
- 1 gravel-sand bulk cargo.

At present, all of the ports are licensed to operate, satisfying the good service of both the authorities and the users. In addition to pollutants and waste, we can provide water and electricity, there are currently no bunkering facilities. We can provide a full trimodal service of goods, which means that we can reload goods transported by road, rail and water in any ratio and variation.

7 Ports governance structures in Croatia

7.1 Ports

7.1.1 Port of Vukovar

7.1.1.1 Legislation and applied Port Management Model

Strategic documents specifically relevant for ports:

- Transport Development Strategy of the Republic of Croatia 2014-2030 – The Strategy sets out the basic guidelines for the development of the transport sector within the Republic of Croatia over a medium and long-term horizon (2014-2030), aiming to define an overall and coherent framework to ensure the linkage of infrastructure and transport policy and enabling decision-making;
- Inland navigation Development Strategy for the Republic of Croatia and Mid-term Development Plan for the Inland Waterways and Ports are being prepared.

Existing regulations regarding the inland ports in Croatia:

- Inland Navigation and Inland Ports Act (“Official Gazette” nr. 109/2007, 132/2007, 51A/2013, 152/2014, 118/18) – regulates navigation on inland waters of the Republic of Croatia, safety of navigation on inland waters, legal status, method of managing waterways and inland ports, substantial law relations with regard to a vessel, procedures of registration of vessels, carriage and contracting carriage, accidents on inland waters, organization and operation of harbormaster’s offices and inspection as well as other issues related to navigation and inland ports (Art. 1 AINIP);
- Concessions Act (“Official Gazette” nr. 69/17, 107/20) – regulates concessions granting procedures, concession contracts, concession termination procedure, legal protection in concessions granting procedures, concession policy and other concession matters (Art. 1 CA);
- Waters Act (“Official Gazette” nr. 66/19) – regulates waters legal status, water resources, water buildings, quantity and quality of water management, water protection from nuisance, detailed melioration drainage and irrigation, public water supply and public drainage, special water management activities, institutional organization for those activities and other questions connected with waters and water resources (Art. 1 WA);
- Public Procurement Act (“Official Gazette” nr. 120/16) – regulates public procurement procedures for public and sector clients or other subject with purpose to conclude the contract purchase of goods, services and works, framework agreement and design competition procedure (Art. 1 PPA).

Apart from the state laws, there is also secondary legislation, which specifies the laws:

- Regulation on Technical and Technological Terms for Inland Ports and Navigation Security for Inland Ports and Wharfs (“Official Gazette” nr. 32/09) – provides terms which inland ports must fulfill before they are open for traffic, procedures for ports opening, criteria for ports and wharfs categorization and inland navigation security conditions in port and wharfs area (Art. 1);
- Regulation on Inland Navigation Wharfs (“Official Gazette” nr. 134/08) – defines conditions for wharfs opening, legal bodies in charge for port area defining, for wharfs management and other issues regarding opening and wharfs operation (Art 1);
- Direction on Ports Due Criteria for Inland Ports and Wharfs (“Official Gazette” nr. 124/15) – determines criteria for port dues amounts (and maximum amounts) in public and private ports and wharfs (Art. 1);
- Decree on the Port Due Rates in Vukovar Port – determines port due rates in Vukovar Port; it is an act of each port authority itself;
- Ordinance on Concession Rates in Inland Ports and Wharfs (“Official Gazette” 72/15) – defines criteria for concession fees and other criteria for granting concessions for public services providing in public ports, criteria for economic exploitation of common or other good in port area of private ports and in private wharfs (Art. 1);
- Ordinance on Shipping Agent Activities (“Official Gazette” 81/16, 93/17) – defines terms for shipping agent activities, legal rights and obligations of shipping agent and inland navigation shipping agent, exam program and examination procedure for shipping agent certificate gaining (Art. 1);
- Regulation on Vukovar Port Area Defining (“Official Gazette” 21/18) – defines port area of Vukovar Port which is situated on two locations, gives the list of its coordinates (Art. 1);
- Regulation for Inland Port Authorities Managing and Job Conducting (“Official Gazette” nr. 100/08, 76/12, 31/16) – defines composition and members of port authorities Governing Council, terms of members appointment, suspension and competence of the port authority general manager and other questions regarding port authority activities (Art 1).

7.1.1.2 Port authority (port governance, port administration)

Port Authority Vukovar is a public institution, founded by a State. It is a non-profit legal entity in charge for development of the public ports and piers along the Danube. Building and maintenance of port infrastructure is also in the scope of Port Authority.

Port Authority has public competences where most important are: management of the port land including public water resources within the port, concessions giving to port operators, charging of port dues and concession fees, verification and publication of the port tariffs.

Port Authority, together with Ministry in charge plans development of the port, controls port traffic, promotes the port, ensures continuity of port services, ensures order in port to be maintained and other.

Port operators are economic entities which can obtain their services in the port based on the concession agreement with Port Authority.

7.1.1.3 Port land ownership

Vukovar cargo port is defined as a public good of special interest for the Republic of Croatia. Practically that means that land and infrastructure owner can be anyone (in theory), but intention of the regulations (not explicit) is that owner should be the State and Port Authority is a public body who manages the port area on behalf of the State. That is in line with the fact that within the port only port activities (and other economic activities connected to them) can be performed.

Land and infrastructure are owned mostly by the State (85%), partially by the private operator (10 %) and by the local authority (City of Vukovar) (5%).

7.1.1.4 Port infrastructure ownership

Port infrastructure should be State owned, built and maintained. Since Port Authority is founded in 2001. and port itself existed before that some infrastructure was already existing.

Division of the infrastructure between the State and State-owned port operators (owners) was partially done, but partially some of the State owned operators were privatized before division was done so part of the land and infrastructure become the ownership of the private operator (around 10%).

7.1.1.5 Port superstructure ownership

Port superstructure should be owned by the port operators. Some of the buildings (offices, warehouses) are still owned by the State and used by the operators. One of the cranes was purchased by the State and with donations and it has been given to the port operator to use it during the concession (where they pay concession fee for that).

Other superstructure is owned by the operators.

7.1.1.6 Port operations

Port operators in Vukovar Port provide their services based on the concessions contracts. Concessions are given by the Port Authority and (depending on their value) confirmed by the Ministry of Sea, Transport and Infrastructure and Government of the Republic of Croatia.

At the moment concessionaires in Vukovar Port are:

- Luka Vukovar d.o.o., Vukovar – state owned company has concession for general, bulk, paletized and unit loads loading, unloading, transshipment and storage;

- VUPIK Plus d.o.o. Vukovar – private port operator, has concession for loading, unloading, transshipment and storage of grains and oilseeds on specialized terminal;
- Crodux derivati dva d.o.o. – private company, concession for loading, unloading, transshipment and storage of oil and its derivatives.

8 Ports governance structures in Serbia

8.1 Ports

8.1.1 Port of Bogojevo

The port of Bogojevo is located on the left bank of the Danube from km 1366,73 to km 1367,42. The port is 40 km away from the E75 highway, in the direction Belgrade - Budapest, and it is not connected to the national railway network.



Figure 10. Port of Bogojevo

8.1.1.1 Legislation and applied Port Management Model

Strategic document specifically relevant for ports:

Strategy on waterborne transport development of the Republic of Serbia, 2015 - 2025

In 2015, a strategy on waterborne transport development of the Republic of Serbia, 2015-2025 was adopted, dealing with broad issues ranging renewing and modernizing the national fleet, to developing the economic potential of Serbian ports and harbors, and developing the navigational standard of international and national inland waterways. Action plan for the Strategy has been elaborated and priority projects and activities are set in order to reach targeted values.

Following legislation applies to all entities operating in the field of water transport:

Law on Navigation and Ports on Inland Waters

In 2010 the new Law on navigation and ports on inland waters was adopted by the Parliament. The period from 2010 onwards, when the landlord port model was set as the ultimate objective of the reform, for its well-known efficiency of the public and private cooperation.

The Law on navigation and ports on inland waters had three main objectives in relation to ports:

- To establish the landlord port model;
- To assist and direct in the cases of resolving issues of property rights, and
- To establish the Port Governance Agency as a central port authority which would implement the Law and monitor the performance of the reform process.

These three objectives are laid on the following foundation pillars:

- Port Governance Agency acts as a central port authority for all inland ports in Serbia;
- Republic of Serbia is owner of the land;
- Port areas are exclusively the public property;
- Ports are declared as the goods of common interest.

The division of ownership of ports assets in the aimed landlord port model in the Republic of Serbia matches the common ownership division of landlord port elsewhere in the world. The goal is to have State as the sole owner of:

- all port land and
- all port infrastructure (quays, berths, internal roads and railways, etc.);

Whereas the private companies are seen as the owner and provider of:

- port suprastructure (offices, storages, silos, etc.) and
- port equipment (cranes, reach stackers, conveyors, etc.) with some exceptions in the transition period until the State completely withdraws from commercial port operations.

8.1.1.2 Port authority (port governance, port administration)

In 2013 Government of the Republic of Serbia established the Port Governance Agency as a central port authority for all inland ports in Serbia that is in charge of management and development of all ports and harbours in the Republic of Serbia..

Since its establishment in 2013, the Port Governance Agency assumed the triple role: the regulatory role, the administrative role and the development role.

In its regulatory role, the Agency is proposing the by-laws to the Government and determines the technical, safety and operational conditions to be complied with by the ports and harbours and their operators.

In the administrative role, the Agency was determining the boundaries of port areas for each port, Issuing and revoking operating Authorizations for port operators operating the ports without any concession agreement, keeping the register of port operators and charging port fees for the usage of public port areas and public port infrastructure.

In its development role, the Agency is entitled to develop (construct, reconstruct, rehabilitate, improve, etc.) the port infrastructure in inland ports.

One of the first law implementing steps from the scope of PGA responsibilities was to determine the boundaries of the port areas which needed to be declared as public domain, that is, a good of common interest.

Port authority is separate from port operator(s).

8.1.1.3 Port land ownership

Owner of whole land in the defined territory of the port of Bogojevo is Republic of Serbia. This land is therefore state-owned.

8.1.1.4 Port infrastructure ownership

Bogojevo is an open type of port with aquatory of 12 m deep. Total quay length is 210m, out of which vertical quay is approximately long 90m. Two vessels can be simultaneously accommodated and serviced. Anchorage has the capacity to accommodate 6 vessels. On the filled plateau behind the operational shore, a grain silo, a dryer, closed and open warehouses, a truck scale weighing system, an administrative building and gates were built.

The owner of the port land and infrastructure is Republic of Serbia.

8.1.1.5 Port superstructure ownership

The port has silo of 30,000 tonnes and 10,000m² of covered storage space available for port users. The main types of cargo handled in port are grains, chemical fertilizers, gravel and sand.

Total port area is 150,000 m², it has a covered storage area and it is equipped with a gantry crane, with the max. lifting capacity of 20 tonnes, and a conveyor belt.

All superstructure present at the port of Bogojevo is owned by the dominant port operator “Luka Dunav Bogojevo”.

8.1.1.6 Port operations

Currently, there is one licensed port operator in the Port of Bogojevo. The Port “Danube-Bogojevo” d.o.o. operating the Multipurpose Terminal. The Port “Danube-Bogojevo” d.o.o. is entered in the register of port operators. Port of Bogojevo gained the status of an international port in June 2005.

The Port “Danube-Bogojevo” d.o.o. is a company for providing port services, reloading, unloading, warehousing and storage of, primarily, grains, then oilseeds and mineral fertilizers.

The port operator is “Port Danube Bogojevo” d.o.o. limited company, whose majority owner is “Hibrid” d.o.o. limited company with a share of 60%, while the Republic of Serbia is the minority owner with a share of the remaining 40%.

8.1.2 Port of Bačka Palanka

The port of Bačka Palanka is located on the left bank of the Danube River, km 1,295 in the agrarian area of South Bačka.



Figure 11. Port of Bačka Palanka

8.1.2.1 Legislation and applied Port Management Model

Strategic document specifically relevant for ports:

Strategy on waterborne transport development of the Republic of Serbia, 2015 - 2025

In 2015, a strategy on waterborne transport development of the Republic of Serbia, 2015-2025 was adopted, dealing with broad issues ranging renewing and modernizing the national fleet, to developing the economic potential of Serbian ports and harbors, and developing the navigational standard of international and national inland waterways. Action plan for the Strategy has been elaborated and priority projects and activities are set in order to reach targeted values.

Following legislation applies to all entities operating in the field of water transport:

Law on Navigation and Ports on Inland Waters

In 2010 the new Law on navigation and ports on inland waters was adopted by the Parliament. The period from 2010 onwards, when the landlord port model was set as the ultimate objective of the reform, for its well-known efficiency of the public and private cooperation.

The Law on navigation and ports on inland waters had three main objectives in relation to ports:

- To establish the landlord port model;
- To assist and direct in the cases of resolving issues of property rights, and
- To establish the Port Governance Agency as a central port authority which would implement the Law and monitor the performance of the reform process.

These three objectives are laid on the following foundation pillars:

- Port Governance Agency acts as a central port authority for all inland ports in Serbia;
- Republic of Serbia is owner of the land;
- Port areas are exclusively the public property;
- Ports are declared as the goods of common interest.

The division of ownership of ports assets in the aimed landlord port model in the Republic of Serbia matches the common ownership division of landlord port elsewhere in the world. The goal is to have State as the sole owner of:

- all port land and
- all port infrastructure (quays, berths, internal roads and railways, etc.);

Whereas the private companies are seen as the owner and provider of:

- port superstructure (offices, storages, silos, etc.) and
- port equipment (cranes, reach stackers, conveyors, etc.) with some exceptions in the transition period until the State completely withdraws from commercial port operations.

8.1.2.2 Port authority (port governance, port administration)

In 2013 Government of the Republic of Serbia established the Port Governance Agency as a central port authority for all inland ports in Serbia that is in charge of management and development of all ports and harbours in the Republic of Serbia.

Since its establishment in 2013, the Port Governance Agency assumed the triple role: the regulatory role, the administrative role and the development role.

In its regulatory role, the Agency is proposing the by-laws to the Government and determines the technical, safety and operational conditions to be complied with by the ports and harbours and their operators.

In the administrative role, the Agency was determining the boundaries of port areas for each port, Issuing and revoking operating Authorizations for port operators operating the ports without any concession agreement, keeping the register of port operators and charging port fees for the usage of public port areas and public port infrastructure.

In its development role, the Agency is entitled to develop (construct, reconstruct, rehabilitate, improve, etc.) the port infrastructure in inland ports.

One of the first law implementing steps from the scope of PGA responsibilities was to determine the boundaries of the port areas which needed to be declared as public domain, that is, a good of common interest.

Port authority is separate from port operator(s).

8.1.2.3 Port land ownership

Owner of whole land in the defined territory of the port of Bačka Palanka is Republic of Serbia. This land is therefore state-owned.

8.1.2.4 Port infrastructure ownership

The infrastructure is owned by the private company operating the port.

Total quay length is 322m, all of which is the vertical quay. Three vessels can be simultaneously accommodated and serviced. Anchorage has the capacity to accommodate 12 vessels.

8.1.2.5 Port superstructure ownership

The superstructure ownership is the private company which operating the port.

Total port area is 740,000 m² it has an open and covered storage area, it's equipped with a gantry crane, with a max. lifting capacity of 12 tonnes, a mobile crane with a 9-tonne capacity, a floating crane with a 6-tonne capacity, a conveyor belt, pneumatic equipment and a Ro/Ro-ramp. The available storage facilities include 650 m² of closed and 8.260 m² of open space, available for public and customs use.

8.1.2.6 Port operations

Currently, there is one licensed port operator in the Port of Bačka Palanka. "Port of Bačka Palanka" a.d. is a joint stock company with the majority of shares owned by the private company. Port is open to the public.

The company has been operating as an independent company since 2002, and became a member of the Victoria Group in 2006.

8.1.3 Port of Prahovo

The port of Prahovo is located on the km 861, right bank of the Danube river. The port covers surface of approximately 6,7 ha. Port of Prahovo is an open type port with maximum available draft maintained at 4 meters. Total quay length is 677m, out of which vertical quay is approximately long 320m. Six vessels can be simultaneously accommodated and serviced. Anchorage has the capacity to accommodate 60 vessels.



Figure 12. Port of Prahovo

8.1.3.1 Legislation and applied Port Management Model

Strategic document specifically relevant for ports:

Strategy on waterborne transport development of the Republic of Serbia, 2015 - 2025

In 2015, a strategy on waterborne transport development of the Republic of Serbia, 2015-2025 was adopted, dealing with broad issues ranging renewing and modernizing the national fleet, to developing the economic potential of Serbian ports and harbors, and developing the navigational standard of international and national inland waterways. Action plan for the Strategy has been elaborated and priority projects and activities are set in order to reach targeted values.

Following legislation applies to all entities operating in the field of water transport:

Law on Navigation and Ports on Inland Waters

In 2010 the new Law on navigation and ports on inland waters was adopted by the Parliament. The period from 2010 onwards, when the landlord port model was set as the ultimate objective of the reform, for its well-known efficiency of the public and private cooperation.

The Law on navigation and ports on inland waters had three main objectives in relation to ports:

- To establish the landlord port model;
- To assist and direct in the cases of resolving issues of property rights, and
- To establish the Port Governance Agency as a central port authority which would implement the Law and monitor the performance of the reform process.

These three objectives are laid on the following foundation pillars:

- Port Governance Agency acts as a central port authority for all inland ports in Serbia;
- Republic of Serbia is owner of the land;
- Port areas are exclusively the public property;
- Ports are declared as the goods of common interest.

The division of ownership of ports assets in the aimed landlord port model in the Republic of Serbia matches the common ownership division of landlord port elsewhere in the world. The goal is to have State as the sole owner of:

- all port land and
- all port infrastructure (quays, berths, internal roads and railways, etc.);

Whereas the private companies are seen as the owner and provider of:

- port suprastructure (offices, storages, silos, etc.) and
- port equipment (cranes, reach stackers, conveyors, etc.) with some exceptions in the transition period until the State completely withdraws from commercial port operations.

8.1.3.2 Port authority (port governance, port administration)

In 2013 Government of the Republic of Serbia established the Port Governance Agency as a central port authority for all inland ports in Serbia that is in charge of management and development of all ports and harbours in the Republic of Serbia.

Since its establishment in 2013, the Port Governance Agency assumed the triple role: the regulatory role, the administrative role and the development role.

In its regulatory role, the Agency is proposing the by-laws to the Government and determines the technical, safety and operational conditions to be complied with by the ports and harbours and their operators.

In the administrative role, the Agency was determining the boundaries of port areas for each port, Issuing and revoking operating Authorizations for port operators operating the ports without any concession agreement, keeping the register of port operators and charging port fees for the usage of public port areas and public port infrastructure.

In its development role, the Agency is entitled to develop (construct, reconstruct, rehabilitate, improve, etc.) the port infrastructure in inland ports.

One of the first law implementing steps from the scope of PGA responsibilities was to determine the boundaries of the port areas which needed to be declared as public domain, that is, a good of common interest.

Port authority is separate from port operator(s).

8.1.3.3 Port land ownership

Owner of whole land in the defined territory of the port of Bačka Palanka is Republic of Serbia. This land is therefore state-owned.

8.1.3.4 Port infrastructure ownership

The owner of the infrastructure is Republic of Serbia. Only the infrastructure of the Oil Terminal is owned by the private company operating the terminal.

8.1.3.5 Port superstructure ownership

The superstructure ownership is the private company which operating the port.

Port of Prahovo has the following facilities and devices: conveyor belt, pneumatic equipment, Ro/Ro-ramp and 6 gantry cranes of 40 tonnes lifting capacity per each. When it comes to storage facilities, there is an open storage area, covered storage area and customs warehouse.

8.1.3.6 Port operations

Currently, there are two licensed port operators in the Port of Prahovo. “Elixir Prahovo” a.d. is a joint stock company operating the Multipurpose Terminal. “NIS” a.d. is a joint stock company operating the Oil Terminal. Port is open to the public.

9 Ports governance structures in Romania

9.1 Ports

9.1.1 Port of Drobeta Turnu Severin

Data not available

9.1.2 Port of Giurgiu

Data not available

9.1.3 Port of Galati

Data not available

9.1.4 Port of Constanta

9.1.4.1 Legislation and applied Port Management Model

Pursuant to the provision of the Government Emergency Ordinance no. 30/1997 on the reorganization of the autonomous utilities, approved and amended by Law no. 207/1997, with subsequent changes, and of Law no.31/1990 on commercial companies, republished, in accordance with the provisions of Government Ordinance no. 19/1997 regarding the transports and of the Government Ordinance no. 42/1997 on civil navigation following the de decision of the Romanian Government from 1998 (DECISION no.517 of August 24), **NC "Maritime Ports Administration" SA Constanta** was established by the reorganization of the **Autonomous Administration "Constanta Port Administration"** which was dissolved.

NC "Maritime Ports Administration" SA Constanta is a joint stock company, 80% state capital, and 20% Fondul Proprietatea, assigned by the Romanian Ministry of Transport to develop activities of national public interest, is organized and operates on the basis of economic management and financial autonomy, according to the statute and laws in force.

9.1.4.2 Port authority (port governance, port administration)

The Port of Constanta is located in Constanta, Romania, on the Western coast of the Black Sea, at 179 nautical miles from the Bosphorus Strait and 85 nautical miles from the Sulina Arm through which the Danube flows into the sea. The geographic coordinates for indicating the position of Port of Constanta are Latitude: 44° 10' 12" N and Longitude: 28° 39' 27" E (Gara Maritima Constanta).

NC "Maritime Ports Administration" SA Constanta *it is lead* by the general meeting of shareholders (appointed by order of the Minister of Transport), which have *attributions* and *competencies* established by the statute.

The company "Maritime Ports Administration" SA Constanta *it is administrated* by a board of directors, elected by the general meeting of shareholders.

NC "Maritime Ports Administration" SA Constanta fulfils the port authority function for the Port of Constanta and its satellite ports - **Midia (which became Midia area of Constanta Port), Mangalia** and the **Tomis Marina**.

Midia and Mangalia, are located 25 Km North of Constanta, respectively 38 Km South.

Midia Zone (coordinates 44° 20' latitude N , 28° 41' longitude E) covers an area of 834 ha, of which 234 ha is land area and the rest is water area, having 14 berths (11 are operational berths, 3 berths of the Shipyard) and the total length of the quay is 2.24 Km.

Mangalia Port (coordinates 43° 49 latitude N, 28° 35' longitude E) covers an area of 187 ha, of which 31 ha is land area and 156 is water area. In the port of Mangalia there are 4 berths (2 are operational berths), and the total length of the quays is 524m.

Tomis Marina, which has an area of 22 ha, represents an extension of the Casino seafront and makes a balanced passage to the city beach. The access from the city to the port is particularly easy, being able to be realized both by car and on foot. Through its location and infrastructure, Tomis Port offers a high potential for capitalizing on nautical tourism, sports and leisure activities.

9.1.4.3 Port land ownership

The Port of Constanta land is owned by the Romanian State and was granted through a concession contract to the port administration N.C. "Maritime Ports Administration" SA Constanta, which is a joint stock company (80% Ministry of Transport, 20% Property Fund).

Based on the administration model – landlord port, the port infrastructure is leased to private operators. The governing contract type concluded between NC "Maritime Ports Administration" SA Constanta and the operators for terminals and adjacent areas is the lease contracts. According to specific legislation (Government Ordinance no. 22/1999 with all modifications given by Law no 108/2010 and Law 235/2017, the land can be leased or sub-concessioned to private port operators.)

9.1.4.4 Port infrastructure ownership

The Port of Constanta covers 3.926 ha of which 1,313 ha is land area and the rest of 2.613 ha water area. The total land area of 1.313 ha is shared between the North Port that occupies a land area of about 495 ha and the South Port with about 818 ha. Another 561 ha are included, according to the masterplan, in development project for short, medium and long term perspective.

The Port of Constanta is not an open shore port. Its infrastructure is basin type with three basins (including Midia). basins. The main tuning basin for the North Port of Constanta is located in front of the oil terminal having enough area to enable the manoeuvring of the common vessels calling the North Port.

The Constanta Port has the maximum draught, natural or dredged, of 19 m and a minimum water depth of 7 m.

The Port of Constanta area is utilized through a total number of 22 terminals for commercial cargo handling operations. The total length of the quays is 32 km, and the water depths up to 19 m.

The port has facilities for mooring/anchorage for dangerous cargo vessels.

According to the European Conference of Ministers of Transport classification, the size of the vessel/convoy transiting the waterway connection Danube – Black Sea canal is inland waterway class VIc.

The port has ten terminals for bulk cargoes. The dry bulk cargoes (iron and non-ferrous ore, grain, coal, coke, cement, construction materials, phosphate etc.), are operated in specialized terminals located next to the river-maritime basin. There are specialized terminals that operate iron ore, bauxite, coal and coke have 13 berths. There is specialized terminal where fertilizers, phosphate, urea, apatite and other chemical products are operated.

The Port of Constanta is a traditional partner for the Eastern and Central European countries with high agricultural production that transit their cargoes towards worldwide destinations. There are many facilities for the operation and storage of dry cereals, which are served by several specialized berths.

The Port of Constanta is very well connected with the national and European road network through ten road entrances allowing systemization and organization of traffic through 25 road lanes. The total length of roads in the port amounts to 100 km. The A2 motorway, nicknamed The Sun's Motorway, is linking Bucharest to city port Constanta and a length of 203 km.

The railway infrastructure facilitates handling full block train in the port area as well as along the quay. Therefore, through the round-the-clock train services and every day shuttle trains high volumes of cargo are transported to/from the most important economic areas of Romania and Eastern Europe.

The railway infrastructure comprises of six rail gates and nine rail tracks providing the connection between Europe, Caucasus and Central Asia. The total length of rail tracks along the quay walls is 19,873.63 m and the total length of rail tracks within the port area amounts to 300 km.

The rail network in the Port of Constanța is connected to the Romanian and European rail network, with the Port of Constanța being a starting and terminus point for Corridor IV, a Pan-European corridor. The corridor IV follows the route: Dresden / Nuremberg – Prague – Vienna – Bratislava – Győr – Budapest – Arad –

Bucharest – **Constanța** / Craiova – Sofia – Pernik - Thessaloniki or Plovdiv – Istanbul.

The port of ensure a sufficient and continuous provision of power through its shore-side power supply facilities for vessels.

Waste management in the Port of Constanta represents an important component that comply with the national and international legislation on environment protection by creating an efficient working framework for collecting, treating, stocking and storing of port and marine wastes. There are four components: the incinerator, the ecological site, the collecting-ship, the wastewater treatment plant & leachate treatment station.

To support the environmental pollution control of vessels the port offers facilities for the collection and reception of the used oil.

9.1.4.5 Port superstructure ownership

All legal requirements for **infrastructure** and **superstructure** construction works are established in the national laws with subsequent amendments and additions, as follows:

- **Law No. 50/1991** regarding the authorization of the execution of the construction Works
- **Law No. 17/1990** on the legal status of inland waters, territorial sea, contiguous areas and exclusive economic zone of Romania
- **Water Law No. 107/1996**
- **Government Emergency Ordinance No. 195/2005** regarding the environment protection
- **Government Ordinance No. 22/1999** on the administration of the ports and

waterways, the use of the public transport infrastructure of the public domain, as well as the carrying out of the activities of water transport in ports and inland waterways.

The beneficiary of the construction works have the obligation to obtain all legally required permits, approvals, authorisations, etc. in accordance with the Romanian legal provisions in force.

The Technical Projects, which are the basis for obtaining specific construction approvals and authorisations, are obliged to respect all technical standards related to the construction category to which they refer.

9.1.4.6 Port operations

The beneficiaries of the Port of Constanta can be divided **into three major groups**.

The first group of direct beneficiaries is represented by terminal operators who use the port infrastructure and receive direct benefit from new cargo being handled.

The second group of port users are the ship operators.

The third group, the related companies providing different connected services for cargo and ships.

There are also indirect beneficiaries represented by economic operators involved in international trade.

In December 2020, according to the company's data, there were 921 companies involved in providing services in Port of Constanta, Midia Zone and Mangalia Port out of which 40 are port operators (37 acting in Constanta Port).

Oil Terminal and Rompetrol Logistics Constanta Branch are the most important operators for crude oil and oil products. The Oil Terminal can operate tanks with capacities up to 165.000 dwt, being equipped with specialized facilities for loading and unloading and connected with the pipeline system. The other main operators of liquid bulk are Frial, Romned Port Operator.

The main operators for iron ores, bauxite, coal and coke are Comvex, North Star Shipping, Chimpex, Socep and TTS Operator 250.000 dwt vessels and above can be accommodated and river units are operated in direct or indirect transshipment.

Chemical Products and Fertilizers are operated by Canopus, Chimpex, Frial, North Star Shipping, Socep and United Shipping Agency. These are equipped with dedicated areas for operation and storage of chemical products and fertilizers, bulk phosphate and urea. Vessels up to 30.000 dwt can be accommodated and the total operation capacity of phosphates is 30.000 tons.

The most important stevedoring companies that operate agribulk in the Port of Constantza are Canopus, North Star Shipping, NSS, United Shipping Agency, Silotrans, Chimpex, Comvex and Socep.

In Constantza Port there are four container terminals, which offer modern facilities and operating conditions for portcontainer vessels. The container terminals are operated by Constantza South Container Terminal and Socep.

There are several companies operating general cargo. Perishable goods can be stored in adequate conditions in refrigerated warehouses and are usually handled by specialised stevedoring companies: Frial, Romned Port Operator, Decirom and Socep. Important quantities of timber loaded in the Port of Constanta and dispatched over sea are handled by Decirom, Rotrac, Socep and Umex. Specialised stevedoring companies that are efficiently providing handling

operations for metallic products: DB Schenker, Deciom, Romned Port Operator, Socep, TTS Operator and Umex.

The Ferry-Boat terminal is operated by SNTFM CFR MARFA and offers exceptional facilities for the freight loaded in wagons, containers, trucks and transported by ferry vessels and liner services on the Black Sea.

The Passenger Terminal is under the administration of the NC Romanian Ports Administration

SA Constanta and has an operation capacity of 100.000 passengers/year.

We present the most important port operators:

Chimpex (owned by Ameropa) (www.chimpex.ro) – **Berths no. 54-63; Land use lease**

Chimpex is operating a total quay length of 2.26 km including 10 operational berths with water depth of up to 13.5 m. The operating area has 360,000 m² and total covered storage capacity is 600.000 tons, having a max. daily intake of aprox. 33.000 tons. There are 10 railway tracks and access for road transport.

Comvex (www.comvex.ro) – **Berths no. 80-84; Land use lease**

Comvex has a quay consisting of 5 berths, with a total length of 1,400 m and a depth of water between 10,8 and 19 m. The unloading equipment consists of 3 cranes, each one having a discharge rate of 2,000 mt / hour. The conveyor system has a total length of 22 km. Two of the main conveyor belts are 1,5 km long and a productivity of 4,000 mt / hour each, and the third one, inaugurated on August 2006, has a length of 2 km and a productivity of 4000 mt / hour.

Currently the Company's management system is unitary. The activity of the Company is managed by a Board of Directors composed of 5 members that guarantees the efficiency of the capacity to supervise, analyze and evaluate the activity of the Company, as well as fair treatment of the shareholders, in accordance with the statutory provisions.

Constanta South Container Terminal (owned by DPWorld) (www.dpworld.ro)
- **Private company; Long-term concession**

The container terminal is located is the Port of Constanta South (**Mol II – S**), and benefits from a total length of operation at the quay of 1,045 m (main berth – 634

m and secondary berth – 411 m), with an excellent deep draught of 14.5 m, being able to accommodate and operate large capacity vessels.

The current capacity of the terminal is approximately 1,200,000 TEU, and there is the possibility of developing this capacity in the future depending on the increase in volumes, which can eventually reach a capacity up to 3,500,000 TEU.

CFS services are able to be accommodated subject to requirements and transloading and unstuffing services are available.

Through its rail terminal, DP World Constanta provides a full rail coordination service. The rail terminal has 3 rail lines, each 600m long, capable of handling 3 complete 30 wagon trains at one time. These lines are operated with 2 x Rail Mounted Gantries with an adjacent stacking yard of 5,000 m².

North Star Shipping (NSS), formerly named **Minmetal** (owned by ADM) (www.adm.com) - **Private company; Land use lease;**

ADM is one of the largest port operators in the Port of Constanta in the Black Sea, handling barley, rapeseed, wheat, sunflower seed and corn, as well as various other commodities such as coal and iron ore. In addition, ADM operates a transport and trading office in Bucharest. ADM has more than 620 employees working in Romania.

The services provided by the port operator include sea going vessels and river barges operation, stevedoring, storage, forwarding and inland transport.

NSS (Berths no. 64-67, no. 85) is specialist handler of bulk materials/product through three specialized port terminals:

Grain terminal

- storage capacity 260.000 tons (including meals storage facilities)
- reception and delivery rate 30.000 tons/day
- multimodal: road, rail, container, river and maritime dedicated operations
- Panamax size vessels

Raw material terminal (coal, cokes, iron ore)

- efficient facilities to load / unload seagoing vessels, barges and railcars
- two specialized open storage platforms with a total capacity 600.000 tons
- three platforms for bulk cargo storage totalling 113,500 m² and a storage capacity of 629,000 tonnes

Liquid Terminal (fertilizers, vegetable oil, diesel biodiesel, gasoline)

Oil Terminal (www.oil-terminal.com) - **Berths no. 69-79; Land use lease;**

The majority shareholder of the company is AVAS, which controls 59.62% of the capital. Other shareholders are Property Fund with 10% and Broadhurst investment fund with 7.6% of the shares.

Equipments and facilities:

- Petroleum terminal has 7 operational jetties
- Jetties allow berthage of vessels up to 165,000 dwt. capacity
- Connection between storage farms and jetties is done by a 15 km. underground and overground pipelines network
- Pipelines total length is 50 km.

Oil Terminal S.A. has three storage farms through which the following products are handled: crude oil, gasoline, gas oil, fuel oil, chemical and petrochemical products, oils from import or for export and transit.

Oil Terminal S.A. has three storage farms through which the following products are handled: crude oil, gasoline, gas oil, fuel oil, chemical and petrochemical products, oils from import or for export and transit.

Socep (www.socep.ro) **Berths no. 51-52, no. 35-37, no. 41-43; Public Private partnership**

- **Land use lease; Long-term concession**

Socep is part of the *DD Group*, which includes the following companies: *Casa de Expeditii Phoenix* – port operator, *Celco* – leading producer of AAC in Romania, *Hotel Condor Mamaia*, *Hotel Sulina Neptun*, *Logistik Park* – renting land for industrial purpose, *Socefin* – financial investment.

Socep is defined by two distinct terminal structures:

- Container Terminal – 300.000 TEU containers annual handling capacity 189
- General Cargo Terminal – 3 million tons of bulk and general cargo annual handling capacity

In addition to the two operational terminals, Socep also developed its operations in Constanta

South Port, where we are able to perform stuffing/stripping operations.

Main operated cargo:

- Containers
- Dry bulk products
- Break bulk products

Socep is listed at BVB (Bucharest Stock Exchange) having a turnover about 15.000.000 Euros.

The container terminal operates in two berths: D51 and D52, having a total length of 470 m and a platform summing 150.000 sqm. The warehouse is located at the base of the pier, receiving the cargo that is being transported in containers. The terminal has facilities to operate RO-RO vessels.

TTS Operator (www.tts-group.ro) Berths no. 100 – 101, 129, 130, 131 and 136, Private company; Land use lease;

The company is specialized in bulk cargo transshipment, forwarding, custom formalities assistance and ship agency services. It operates in direct transshipment (sea vessels - barges/ barge - sea vessels) over 2 million tons/year.

Manoeuvres:

Direct transshipment for bulk and packed/unitized cargo:

Sea vessels – barges

Barges - sea vessels

Wagons - barges and/ or small sea vessels

Small sea vessels/ barges - wagons.

United Shipping Agency S.R.L. (www.cofcointernational.com) Berths no. 31, 32, 33 Private company; Land use lease;

Starting with the 2014-2015 season, the terminal will have an enhanced storage capacity of 250,00 tons, when the storage facility with a capacity of 50,000 tons becomes operational, which is currently under construction at pier 30-31, designed as an extension of the silo. With the Agigea terminal of pier 102, the total provided storage capacity exceeds 320,000 tons of grains and grit.

The terminal has the highest grains loading rates out of all the terminals from the Black Sea ports. The highest performance on a Panamax ship (101,652 tons DWT) was over 40,000 tons operated in 24 hours – commodities loaded from the silo.

Umex (www.umex.ro) Berths no. 44, no. 38–40, RORO3; Land use lease
- **Private company**

In the Umex terminal are handled various cargoes every year:

- Bulk cereals;
- Bulk and bagged fertilizers;
- Project cargo & heavy equipment;
- Metallurgical products;
- Bagged/palletised general cargo.

The Terminal is developed on an area of 140.000 m², including 120.000 m² of concrete open platforms and 20.000 m² of covered warehouses. For vessel operations there are 5 berths with 1020 meters total length, having the possibility to accommodate and operate 6 vessels simultaneously.

10 Ports governance structures in Bulgaria

10.1 Ports

10.1.1 Port of Lom

10.1.1.1 Legislation and applied Port Management Model

Port of Lom is a Bulgarian river port of national importance and consists of the terminals Lom and Oryahovo. The port of Lom is situated on the right bank of the Danube River on km. 742- 743 in the central part of the town of Lom. It is specialized in processing general and bulk cargo, passengers, and ship supply. It has 13 berths. The port terminal Oryahovo is situated from km 678 to km 677. It is specialized in processing general and bulk cargo, and passengers. It has 3 berth places, one of them with pontoon for processing passenger vessels.

The current port management structure in Bulgaria is characterized by general responsibilities and port management responsibilities, shared between the government, in conjunction with MTITC, EA Maritime Administration and BPICo. There is no independent port authority in the current Bulgarian model of port management.

Maritime spaces, Inland waterways and ports of the Republic of Bulgaria Act (MSIWPRBA) states the legal regime of the Republic of Bulgaria's sea spaces, inland waterways and ports. The current existing Bulgarian port system was established in 2005.

For all ports, except the military ones, a register is kept under conditions determined by an ordinance of the Minister of Transport, Information Technology and Communications. Ports are included in the register after issuance of the Exploitation adequacy certificate. The register is public and can be accessed on the web site of the Executive Agency Maritime administration - www.marad.bg.

The Ministry of transport, information technologies and communication exercise the rights of the Bulgarian state through the state-owned company Bulgarian Ports Infrastructure Company (BPI Co).

Major external actors within the Port Management Model on a national level:

- Ministry of Transport, Information Technologies and Communication - implements the national transport and port policies
- Executive Agency Maritime Administration - controls and inspects port activities and personnel
- Bulgarian Ports Infrastructure Company - responsible for ports' infrastructure and long-term assets of ports with national importance

In addition, Executive Agency for Exploration and Maintenance of the Danube River (EAEMDR) is a specialized administration functioning in accordance with the domestic and international obligations of the Republic of Bulgaria in terms of

servicing, exploring and maintaining the navigational conditions along the river Danube. Its management functions are related with the navigation conditions of the fairway. The EAEMDR does not have controlling or administrative functions with regard to port infrastructure.

For the Bulgarian ports with national importance (Port of Lom) a concession is applied. Most common practice is granting a separate port terminal on concession, as the entire port of national importance most often include several terminals which are usually located in different cities. Application is provided by motivated decisions of the Council of Ministers, where the Ministry of Transport, Information Technologies and Communication have a major role. Control is ensured with the help of Executive agency Maritime administration and Bulgarian Ports Infrastructure Company.

Port operators also have management functions as regards to the independent commercial, investment, pricing and organizational policy they have for the port terminals under their supervision. They interact with the MTITC, BPICo, EAMA and with port users also. In fact, port operators are the direct managing bodies responsible for port operation. MTITC controls operators' activity through EAMA and maintains and develops the port infrastructure through BPICo. Private ports are developing their port infrastructure without approval or agreement from BPICo.

According to Decision № 49 of 24.01.2013 of the Council of Ministers of the Republic of Bulgaria, "Port Invest" Ltd. has been determined as a Concessionaire of the **"Port Terminal Lom"**, part of the port for public transport of national importance, Lom. Under the concluded concession contract, "Port Invest" Ltd. owns the rights of a single port operator of the Port of Lom.

"Port terminal Oryahovo" has been granted a concession by the port operator Sunny Dar JSCo, part of Octopus Invest Holding as per concession contract concluded on 04.07.2007 r. and entered into force on 23.06.2008.

10.1.12 Port authority (port governance, port administration)

Bulgarian Ports Infrastructure Company (BPI Co.) is the managing body of the Bulgarian public transport ports and provides vessel traffic and shipping information services. **Currently BPICo, through its branches – territorial directorates, exercises lot of the functions and obligations that are typical for an European port authority.**

Head office of the BPI Co. is located in Sofia. In Burgas, Varna, Lom and Ruse are located four Branches - Territorial Directorates.

The Specialized Divisions are:

- Directorate Vessel traffic Management – Black Sea;
- Directorate Vessel Traffic Management – Danube River;
- Directorate Port Terminals Operation.

Management of the port infrastructure and the other fixed assets of the Bulgarian ports for public transport of **national importance** is granted to the Bulgarian Port Infrastructure Company (BPICo.) - a legal person within the meaning of Art. 62, para. 3 of the Commerce Act. The Bulgarian state grants to BPICo. the public and private

state property, determined by a decision of the Council of Ministers, for implementation of its subject of activity.

Administrative obligations are fulfilled by two organizations – BPI Co and Executive agency Maritime Administration.

Port of Lom is managed by BPICo Branch - TP "Port of Lom".

Area of operation of the Branch - territorial division "Port of Lom" is from kilometer 645 to kilometer 845,650 of the Bulgarian section of the Danube River with headquarters in the town of Lom.

Port of Lom includes the following terminals:

- **Port terminal Lom** – granted on a concession for a period of 35 years as per a concession contract, concluded on 06.03.2013 and entered into force on 01.05.2013.
- **Port terminal Oryahovo** – concession granted for a period of 25 years as per concession contract concluded on 04.07.2007 r. and entered into force on 23.06.2008.

Port authority is separated from the port operator. Port operators provide port services and keep the facilities in condition fit for exploitation, and in relevance to all legislative requirements. A concession, according to the Bulgarian law is the right for exploitation of an object or service of public interest, granted by a concede to a company – concessionaire, against the obligation to build, manage and maintain the object of the concession, or to manage the service at his own risk.

The activities that are performed by BPICo Branch-Territorial Directorate Lom are: construction, maintaining & repairing of port infrastructure; renting of land, port platforms, office spaces, warehouses, equipment; monitoring of vessels' movements and information systems; port and other dues collecting; provision of port services to port operators by the GIS system of BPICo.

10.1.13 Port land ownership

BPICo plays the role of land owner and manages the port infrastructure of the public transport port of national importance Lom in accordance with the Maritime Spaces, Internal Waterways and Ports of the Republic of Bulgaria Act.

10.1.1.4 Port infrastructure ownership

The territory and the port infrastructure of the ports for public transport of national importance are declared public state property with Art. 106, para. 1 of the Law. This means that other entities except the State cannot own a port of public transport of national importance. There is an exception for cargo storage areas, which may also be owned by individuals and legal entities.

According to Art. 106, para. 2 of the MSIWPRBA ports for public transport of regional importance may be owned by the state, the municipalities, natural and legal persons. An exception to this principle exists, according to which the territory and infrastructure of ports for public transport of regional importance, owned by the

municipalities, are declared public municipal property with Art. 106, para. 3 of the MSIWPRBA.

Ports and specialized port facilities owned by natural or legal persons are not subject to restrictions on management and disposal of their territory and infrastructure. They can be leased or be a subject to other transactions. For these ports and specialized port facilities, owners are required to submit an application for their rights on ports and specialized port facilities. With Art. 112 Article 5 of the MSIWPRBA, a ban was imposed on them to carry out activities or services other than those specified in the registration of the port or the specialized port facility.

In the ports for public transport of national importance, declared as public state property, all port services under Art. 116 of the MSIWPRBA are provided. The fact that they are declared public state property leads only to restrictions related to the management of their territory and infrastructure. All these activities are carried out with mandatory observance of the provisions of the State Property Act (SPA) and the rules for its implementation.

BPICo is the owner of:

quay walls, crane lines, internal port roads, ro-ro ramps, port sewage systems, power cable networks, port railway lines, lightning network, administrative buildings, open and covered storages, electrical transformer stations, auto weighing scales and similar objects.

10.1.1.5 Port superstructure ownership

Port terminal Lom has the following handling facilities and devices: gantry crane, mobile crane and other devices, owned by the port operator. The two terminals Lom and Oryahovo are operated by two private concessionaires. Operators own cranes, machinery, handling devices and facilities. They manage the human resources needed for handling – tallymen, dockers, etc.

10.1.1.6 Port operations

Port operation is performed by the port operators – state owned or private. Port operation is regulated by the MSIWPRBA. The services that could be provided in a port are enlisted in art. 116 of the MSIWPRBA and the “port operator” is defined as a legal entity that is granted the access to the market of port services.

-Port terminal Lom is granted on a concession to „Port Invest” Ltd. For a period of 35 years as per a concession contract, concluded on 06.03.2013 and entered into force on 01.05.2013. The concessionaire has offered to invest BGN 22.4 million for the entire duration of the contract, of which 6.7 million BGN had to be invested in the first four years. The fixed part of the annual concession fee is BGN 187.1 thousand. The total area of the port is 371 129 sq.m. and it has 13 berths. The port has rail and road connection with the hinterland. The port has open and closed storage and warehousing facilities.

"Port Invest" Ltd. has been registered as a private limited liability company with its registered office at: Ruse. The sole owner of the capital of the company is Bulgarian River Shipping AD - a public joint stock company.

Its main activities include the implementation of activities of a port operator; provision of port services, chartering and transport-forwarding activity; commercial navigation on river, sea and related inland waterways, including carriage of goods by waterway and combined transport; transportation of passengers and luggage; rental and leasing of ships, other vessels and other means of transport; towing and pushing of vessels and cargo; ship supply, carrying out of river, marine services and other ancillary commercial and technical activities and operations associated with the Merchant Navy; commercial representation, brokerage and ship agency; home and foreign trade; ship repair for own and other needs; investment and engineering, research and development; training and qualification of personnel; other types of business for which there is no statutory prohibition. "Port Invest" Ltd. has been entered in the Register of port operators in Bulgaria under N° 13/22.04.2013 as a port operator.

-Port terminal Oryahovo – concession granted for a period of 25 years to “Slanchev Dar” JSCo. as per concession contract concluded on 04.07.2007 г. and entered into force on 23.06.2008. The amount of the investments, according to the offer and the concluded contract for the term of the concession, is BGN 2.4 million. The amount of the fixed part of the concession payment for the duration of the concession is BGN **250,000**.

"Slanchev Dar" is a joint stock company registered in Varna. 95% of its shares are owned by the Varna-based company Isidia Invest. The company is operating in agriculture sector and mainly - grain trade in Central and Northern Bulgaria. Before the concession Slanchev Dar has been the main shipper of the port in Oryahovo. Slanchev Dar JSCo has been entered in the Register of port operators in Bulgaria under N° 10/ 23.06.2008 as a port operator.

10.1.2 Port of Ruse

10.1.2.1 Legislation and applied Port Management Model

The port for public transport of national importance Ruse includes six cargo terminals: Somovit, Svishtov, Ruse-east, Ruse-west, Tutrakan and Ferryboat terminal Nikopol. Port of Somovit is on km 607 of the Danube river. Ferryboat terminal Nikopol is situated on km 597. Port Svishtov is situated on the most southern part of the Danube River on the right riverbank - 554th km. from the river outlet. Port terminal Ruse - West is situated from km 497 to km 496. Port terminal Ruse – east is located on km. 489 - 490 in the Eastern industrial area of the town. This port terminal is the biggest in the Bulgarian part of the river Danube. Port of Tutrakan is located on km. 433.

As described in the previous section of the report the Ministry of transport, Information Technologies and Communication exercise the rights of the Bulgarian state through the state owned company Bulgarian Ports Infrastructure Company (BPI Co). Bulgarian Ports Infrastructure Company (BPICo.) is the managing body of the

Bulgarian public transport ports and provides vessel traffic and shipping information services. Currently BPICo, through its branches – territorial directorates, exercises lot of the functions and obligations that are typical for an European port authority.

Region of operation of Port of Ruse Branch is from kilometer 374,100 to kilometer 645 of the Bulgarian section of the Danube River with Head office Ruse. Branch-Territorial Directorate Ruse serves the infrastructure of:

➤ **Public transport ports of national importance Ruse**

1. **Port terminal Ruse - East** is part of public transport port of national importance Ruse. It is specialized for general, bulk and liquid cargo, ro-ro and containers; mooring services; supply of electricity, water and communications to vessels; supply of food and other products.
2. **Port terminal Ruse – Centre** is part of public transport port of national importance Ruse. It is specialized for passenger services; mooring services; supply of electricity, water and communications to vessels.
3. **Port terminal Ruse – West** is part of Public transport port of national importance Ruse. It is designed for handling cargo and mail; mooring services; supply of electricity and communications to vessels; supply of food and other products.
4. **Port terminal Silistra /passenger/** is part of Public transport port of national importance Ruse. It is designed for passenger services; mooring services; supply of electricity and communications to vessels; ship bunkering /water, fuel, oils/; supply of food and other products.
5. **Port terminal Tutrakan** is part of Public transport port of national importance Ruse. It is designed for general and bulk cargo handling; passenger services; mooring services; supply of electricity, water and communications to vessels; supply of food and other products.
6. **Port terminal Svishtov** is part of Public transport port of national importance Ruse. It is designed for general, bulk and liquid cargo handling; passenger services; Ro-Ro services.
7. **Port terminal Somovit** is part of Public transport port of national importance Ruse. It is designed for general and bulk cargo handling; passenger services; mooring services; mooring; supply of electricity, water and communications to vessels; supply of food and other products.
8. **Ferryboat terminal Silistra** is part of Public transport port of national importance Ruse for Ro-Ro and mail handling; passenger services.
9. **Ferryboat terminal Nikopol** is part of Public transport port of national importance Ruse. It is designed for ro-ro and ferry services for vehicles, buses, agricultural and other self-propelled machines; passenger services; mooring; supply of electricity and communications to vessels; supply of food and other products.

➤ **Public transport ports of regional importance Ruse**

1. Silistra – Polaris 8 – general and bulk cargo handling;
2. Silistra - Lesil – general and bulk cargo handling; mooring; supply of electricity and communications to vessels;

3. ADM Silistra – bulk cargo handling;
4. Ruse – Oil terminal Arbis - processing of oil products and bunkering;
5. Port Bulmarket – Ruse – general, bulk and liquid cargo handling, including dangerous cargo – classes 2, 3 and 9; mooring services; supply of electricity and communications to vessels; bunkering; reception and processing of ship generated waste;
6. Danube dredging fleet - Ruse - general and bulk cargo handling; supply of electricity, water and communications to vessels; mooring services; bunkering; towing;
7. Sviloza terminal - general and bulk cargo handling; supply of electricity, water and communications to vessels;
8. TPP Sviloza terminal - general and bulk cargo handling; supply of electricity, water and communications to vessels; towing/dragging/; supply of food and other products and services related to vessels;
9. Petrol – Somovit – processing of oil products and bunkering;
10. Ruse – Free zone - processing of oil products; mooring; bunkering;
11. Belene - general and bulk cargo handling;
12. Nikopol – passenger services;
13. Dubal Ve Ko – Ruse - general and bulk cargo handling; supply of electricity and communications to vessels;
14. East Point – Silistra – passenger services; mooring; supply of electricity, water and communications to vessels; bunkering; supply of food and other products;
15. Pristis - passenger services; mooring; supply of electricity, water and communications to vessels; bunkering; supply of food and other products.

10.1.2.2 Port authority (port governance, port administration)

Port authorities are BPICo and Executive Agency Maritime Administration. Port authority is separated from port operators. Although there are state owned operators, their function is the same as of the private operators. BPICo is a temporary operator for port terminals with terminated concession contracts until the finalisation of the new concession procedures.

There are 2 state owned companies: Port complex Ruse JSCo. – operator of Ruse-east, Ruse-centre, Tutrakan and Silistra (passenger terminal), BPICo – operator of Ruse-west and 3 private companies that operate the terminals in Svishtov, Somovit and Nikopol.

The activities that are performed by BPICo Branch-Territorial Directorate Ruse are: construction, maintaining & repairing of port infrastructure; renting of land, port platforms, office spaces, warehouses, equipment; monitoring of the vessels' movement through the BULRIS information system.

10.1.2.3 Port land ownership

The ownership of the land and infrastructure is public. BPICo plays the role of landowner and manages the port infrastructure of the public transport port of national importance Ruse in accordance with the Maritime Spaces, Internal Waterways and Ports of the Republic of Bulgaria Act.

10.1.2.4 Port infrastructure ownership

The infrastructure of all Bulgarian ports of national importance is a public state property. MTITC has a role of port authority and has no direct responsibility for storage and warehousing facilities in ports.

BPICo is the owner of: quay walls, crane lines, internal port roads, ro-ro ramps, port sewage systems, power cable networks, port railway lines, lightning network, administrative buildings, open and covered storages, electrical transformer stations, auto weighing scales and similar objects.

10.1.2.5 Port superstructure ownership

BPICo is owner of the open and closed storage and warehousing facilities in the ports of national importance (Port of Ruse). Operators and concessionaires use these facilities under a contract with MTITC. Private ports are also the owners of the storage and warehousing facilities. Operators own cranes, machinery, handling devices and facilities. They manage the human resources needed for handling – tallymen, dockers, etc.

10.1.2.6 Port operations

Port operation is performed by the port operators – state owned or private. Port operation is regulated by the MSIWPRBA. The services that could be provided in a port are enlisted in art. 116 of the MSIWPRBA and the “port operator” is defined as a legal entity that is granted the access to the market of port services.

-Port Complex Ruse J.S.Co. operates four terminals – **Ruse – East, Ruse – Center, Tutrakan and passenger terminal Silistra**. The total area of port terminal Ruse – East is 825 533 sq.m. and the area of port terminal Tutrakan is 4 414 sq.m. In total, the two terminals have 15 freight berths. The freight terminals, operated by Port Complex Ruse J.S.Co. have open and closed storage and warehousing facilities sufficient to serve the entire cargo flow that passes through them.

Port Complex - Ruse JSC is a state-owned commercial company with a place of management in Ruse, which manages the activities of several of the main Bulgarian river ports, incl. Port Ruse. The company is managed by a Board of Directors. Sole owner of the capital is the Bulgarian State. Port complex Ruse J.S.Co. has an independent commercial, marketing, investment and organizational policy. Port

Complex - Ruse JSC has been entered in the Register of port operators in Bulgaria under N°12/10.10.2005 as a port operator.

- **Port Pristis** is a public transport port of regional importance with a concessionaire Port Pristis LTD – Ruse.

“Port Pristis” Ltd. is registered in September 2010 as a limited liability company with registered offices and head office: Bulgaria, Rousse. The shareholders of the company are as follows: “Balkantours” Ltd. – 15%; “Bulgarian River Shipping” JSC – 55%; “Galaxy Power” Ltd. – 15% “DD Logistica” Ltd. – 15%.

Port Pristis LTD. is registered in the Register of the port operators of the Republic of Bulgaria under N° 24/12.03.2012.

-**Port terminal Ruse-west** – concession granted to the “Port terminal Ruse-west” JSCo. for a period of 35 years as per contract for concession, concluded on 18.09.2013 and entered into force on 18.11.2013. The concession contract is terminated on 20.02.2015. Currently, Bulgarian Ports Infrastructure Company (BPICo) performs the functions of a port operator.

-**Ferryboat terminal Silistra** - the management of the terminal was granted to Bulgarian Ports Infrastructure Company

BPICo has been entered in the Register of port operators in Bulgaria under N° 27/03.10.2013. According to Art. 115 I of the MSIWPRBA Bulgarian Ports Infrastructure Company (BPICo) is a legal person within the meaning of Art. 62, para. 3 of the Commercial Law. As a port operator BPICo services are: Ro-Ro cargo handling and mail, passengers service; mooring, supply of ships with electricity and communications, shipping water bunkering, technical supply and services, supply of food and other products, installation of protective barriers for oil spill prevention and cleaning from oil pollution, other services related to the provision of housing conditions, shelter and maintenance of vessels.

- **Port terminal Svishtov** - was granted on concession to Dredging Fleet – Istar PLC. for a period of 31 years under a concession contract of 15.02.2007, which entered into force on 21.04.2007.

Dredging Fleet "Istar" PLC – Svishtov, Bulgaria is a public limited company performing the following operations: extraction and processing of inert materials - micro silicates, sand and ballast, ship repair, servicing unmanned ships with replaceable crews and manoeuvring, transport and trade activity. The company is located in the industrial area of Svishtov, neighbouring on Svishtov Port and owns a territory of 100 decares on the bank of the Danube River and a warehouse. The concessionaire has invested over 4.6 million leva (\$3.2 million/2.4 million euro) in renovating the port's open storage area and expanding and mechanizing the closed one. Dredging Fleet "Istar" PLC has been entered in the Register of port operators in Bulgaria under N°15/21.04.2005 as a port operator.

-Port terminal Somovit is part of Public transport port of national importance Ruse.

"Octopod - C" Ltd., Varna has been declared as a concessionaire of "Port terminal Somovit" with decision No 233/06.04.2009 the Council of Ministers. The Port terminal has been granted on a concession to "Octopod - C" Ltd. for a period of 22 years under a concession contract concluded on 28.05.2009, which entered into force on 01.08.2009. According to the concession agreement, Octopod – C Ltd. is obliged to make investments during the term of the concession in the amount of not less than BGN 6.445 million. The company was registered in 2001 with headquarters and registered office in Varna. The capital of the company is BGN 11 million, and its shareholders are Slanchev Dar JSCo, Varna with 63.6% and Octopod Invest Holding sole-owner Joint Stock Company, Varna with 36.4%.

-Ferryboat terminal Nikopol is part of public transport port of national importance Ruse. Ferryboat terminal Nikopol is granted on concession to "Bulgarian River Shipping" JSCo. for a period of 35 years under a concession contract concluded on 07.08.2013, which entered into force on 01.10.2013.

Bulgarian River Shipping J.S.Co. was established on 17th of March 1935 under the name "River Coastal Shipping". In May 1940 it was transformed into a separate company "Bulgarian River Shipping" based in the town of Rousse. The company has been public till January 2004, its shares are currently traded on the official stock market – segment "B" of the Bulgarian Stock Exchange – Sofia JSCo. „Chimimport" through "Bulgarian Shipping Company", as well as through other subsidiaries, is the owner of 76.15 % of the capital of "Bulgarian River Shipping". As of 31.12.2019 the shared capital of the company amounts to BGN 35,708,674.00 as the shares are in possession of more than 500 shareholders legal entities and individuals.

10.1.3 Port of Vidin

10.1.3.1 Legislation and applied Port Management Model

As described in the previous section of the report the Ministry of transport, Information Technologies and Communication exercise the rights of the Bulgarian state through the state owned company Bulgarian Ports Infrastructure Company (BPI Co). Bulgarian Ports Infrastructure Company (BPICo.) is the managing body of the Bulgarian public transport ports and provides vessel traffic and shipping information

services. Currently BPICo, through its branches – territorial directorates, exercises lot of the functions and obligations that are typical for an European port authority.

The port terminals of national importance included in Port of Vidin are: Vidin south (located in the south industrial zone of Vidin on km 785 of the River), Vidin north (in the north industrial zone, km 793) and Ferryboat complex Vidin (on km 792). Vidin-north and the Ferryboat complex are often accepted as one port terminal, having in mind that the concessionaire is one single company that has plans for future development with regard to the area of both points.

10.1.3.2 Port authority (port governance, port administration)

Port authorities are BPICo and Executive Agency Maritime Administration. Port authority is separated from port operators. Although there are state owned operators, their function is the same as of the private operators.

Port of Vidin is managed by Branch - TP "Port of Lom".

Port for public transport of national importance Vidin includes the following terminals:

- **Port terminal Vidin – North** is part of Public transport port of national importance Vidin and is specialized in general, bulk, non-hazardous liquid cargo and containers handling; supply of electricity, water and communications to vessels; supply of food and other products; preventing oil spills and cleaning of oil pollution; and other services. The terminal is granted on concession to "Bulgarian River Shipping" JSCo.
- **Port terminal Ferryboat Complex Vidin** is part of Public transport port of national importance Vidin and is specialized in Ro-Ro and passenger services; supply of electricity, water and communications to vessels. Port terminal Ferryboat complex Vidin is granted on concession to "Bulgarian River Shipping" JSCo.
- **Port terminal Vidin - Center** is part of Public transport port of national importance Vidin and is specialized in passenger services; supply of electricity and water to vessels. Port terminal Vidin – center is operated by the state owned port operator "Port Vidin" Ltd.
- **Port terminal Vidin – South** is part of Public transport port of national importance Vidin and is specialized in general and bulk cargo handling; supply of electricity to vessels. SKM Port Vidin JSC is the operator and concessionaire of the terminal.

Port authority is separated from the port operator. Port operators provide port services and keep the facilities in condition fit for exploitation, and in relevance to all legislative requirements. A concession, according to the Bulgarian law is the right for exploitation of an object or service of public interest, granted by a conceder to a company – concessionaire, against the obligation to build, manage and maintain the object of the concession, or to manage the service at his own risk.

10.1.3.3 Port land ownership

BPICo plays the role of land owner and manages the port infrastructure of the public transport port of national importance Vidin in accordance with the Maritime Spaces, Internal Waterways and Ports of the Republic of Bulgaria Act.

10.1.3.4 Port infrastructure ownership

The infrastructure of all Bulgarian ports of national importance is a public state property. MTITC has a role of port authority and has no direct responsibility for storage and warehousing facilities in ports.

BPICo is the owner of:

quay walls, crane lines, internal port roads, ro-ro ramps, port sewage systems, power cable networks, port railway lines, lightning network, administrative buildings, open and covered storages, electrical transformer stations, auto weighing scales and similar objects.

10.1.3.5 Port superstructure ownership

BPICo is owner of the open and closed storage and warehousing facilities in the ports of national importance (Port of Vidin). Operators and concessionaires use these facilities under a contract with MTITC. Private ports are also the owners of the storage and warehousing facilities. Operators own cranes, machinery, handling devices and facilities. They manage the human resources needed for handling – tallymen, dockers, etc.

10.1.3.6 Port operations

Port operation is performed by the port operators – state owned or private. Port operation is regulated by the MSIWPRBA. The services that could be provided in a port are enlisted in art. 116 of the MSIWPRBA and the “port operator” is defined as a legal entity that is granted the access to the market of port services.

- **Port Terminal Vidin – Center** is operated by “Port - Vidin” EOOD.

“Port - Vidin” EOOD is a sole proprietorship with state property, a port enterprise within the meaning of § 2, item 23 of the Additional Provisions of the Law on Public Procurement. The company is a port operator within the meaning of § 2 item 24 of the Additional Provisions of the Law on Port Operations and carries out port activities and services according to Art. 116 and Art. 117 para 1 of the LMPVPRB.

The company is entered in the register of port operators, kept by the Executive Agency "Port Administration" for which a certificate has been issued N^o 8 / 24.10.2005.

- **Port Terminal Vidin – South** - SKM Port Vidin JSC is the operator and concessionaire for 35 years at the port terminal Vidin-south. The planned investments in the port amount to BGN 3,737,000 for repair, maintenance and rehabilitation of the existing infrastructure, as well as for construction of new facilities.

SKM Port Vidin JSC is part of a grouping of companies – SKM Group JSC. It has been established in 2016 with headquarters in Vidin. Shareholders are SCM Investment Ltd. (60%) and MIK Investment JSC (40%).

- **Port terminal Vidin – North** is granted on concession to "Bulgarian River Shipping" JSCo. for a period of 30 years under a concession contract concluded on 20.08.2010 and entered into force on 22.10.2010.

- **Port terminal Ferryboat Complex Vidin** is granted on concession to "Bulgarian River Shipping" JSCo. for a period of 30 years under a concession contract concluded on 20.08.2010 and entered into force on 22.10.2010.

Bulgarian River Shipping J.S.Co. was established on 17th of March 1935 under the name "River Coastal Shipping". In May 1940 it was transformed into a separate company "Bulgarian River Shipping" based in the town of Rousse. The company has been public till January 2004, its shares are currently traded on the official stock market – segment "B" of the Bulgarian Stock Exchange – Sofia JSCo.

„Chimimport" through "Bulgarian Shipping Company", as well as through other subsidiaries, is the owner of 76.15 % of the capital of "Bulgarian River Shipping". As of 31.12.2019 the shared capital of the company amounts to BGN 35,708,674.00 as the shares are in possession of more than 500 shareholders legal entities and individuals.

11 Ports governance structures in Moldova

11.1 Ports

11.1.1 Port of Giurgiulesti

11.1.1.1 Legislation and applied Port Management Model

The economic activity in the Free International Port "Giurgiulesti" (hereinafter the International Port or GDP) is carried out in accordance with the provisions of the Investment Agreement "On the International Freeport" Giurgiulesti "between the Government of the Republic of Moldova and" Azpetrol "- SRL," Azertrans " - SRL, "Azpetrol Refinery" - SRL, approved by Law no. 7-XV of February 17, 2005, Law on the Free International Port "Giurgiulesti" no. 8-XV of February 17, 2005, the normative acts of and the Agreement between the Government of the Republic of Moldova and SCI "Danube Logistics" SRL of April 21, 2005.

Giurgiulesti port activity to be carried out in accordance with the following National Legal and Regulatory Framework:

LAW No. LP599 / 1999 of 30.09.1999 for the approval of the Code of commercial maritime navigation of the Republic of Moldova;

LAW No. LP176 / 2013 of 12.07.2013 regarding the internal naval transport of the Republic of Moldova;

DECISION No. HG546 / 2019 of 12.11.2019

for the approval of the Regulation on the arrangement and operation of temporary quays and related buildings on the inland waterways of the Republic of Moldova;

DECISION No. HG453 / 2008 of 24.03.2008 on the approval of the Concept for the development of naval transport in the Republic of Moldova;

Operational Directive No. 101-P of November 22, 2021 on the establishment of Requirements for the parking of non-self-propelled floating units in the Giurgiulesti Port Complex and in the undeveloped quay upstream of the Giurgiulesti Port Complex.

11.1.1.2 Port authority (port governance, port administration)

Danube Logistics SRL, general investor and operator of GIFP. De facto, the role of Danube Logistics is Port Authority and Port Operator in one.

11.1.1.3 Port land ownership

The territory at the shore of the Danube river and partially at the Prut river is leased to the general investor and operator of Giurgiulesti International Free Port (GIFP), Danube Logistics SRL, for a period of 99 years. Land plots of GIFP can be sub-leased to third parties on short- and long-term basis but cannot be sold. GIFP has a special tax regime until 2030.

11.1.1.4 Port infrastructure ownership

The entire port infrastructure is authorities financed by Danube Logistics, no port or suprastructure is provided by state.

Third parties having residence status within GIFP (sub-leasing of land plot)

11.1.1.5 Port superstructure ownership

"Danube Logistics" limited liability company registered in the Republic of Moldova, is the general investor, owner and operator of the Giurgiulesti International Free Port.

The entire 120 ha area of the Giurgiulesti International Free Port (PILG) has the status of a free economic zone.

11.1.1.6 Port operations

The total value of investments in the International Port, during its entire period of activity, according to the situation as of December 31, 2020, amounted to 74.9 million US dollars.

The preponderant part of the cumulative investments, since the establishment of the Port Internationally by the end of 2020, it is carried out by the General Investor, SCI "Danube Logistics" SRL, which has invested 51.6 million US dollars (about 68.89% of the total value of investments made in the International Port). "Trans Cargo Terminals" SRL, a subsidiary company of the Trans Oil Group of Companies, has built and manages the cereal terminal together with Danube Logistics. The cereal terminal, with a storage capacity of more than 50,000 metric tons, can receive up to 3000 metric tons of grain per day by means of car and rail transport.

SC "Trans Cargo Terminal" SRL, which carried out the construction and operation of the cereal terminal, made a cumulative investment of 14.2 million US dollars. "Trans Bulk Logistics" SRL, a subsidiary company of the Trans Oil Group of Companies, has built and managed the vegetable oil terminal with Danube Logistics. The terminal has a storage capacity of 6,000 metric tons and can receive vessels with a gross carrying capacity of up to 10,000 tons.

12 Ports governance structures in Ukraine

12.1 Ports

12.1.1 Ports of Reni and Izmail

12.1.1.1 Legislation and applied Port Management Model

Ukrainian ports of Reni and Izmail, located on the Danube River have a status of maritime ports and their harbor waters` boundaries are defined by the Decrees of Cabinet of Ministers of Ukraine “On the boundaries of the waters of the seaport of Reni” and “On the boundaries of the waters of the seaport of Izmail”.

Starting from 2013 after maritime branch reformation all the Ukrainian seaports are incorporated and managed by state enterprise “Ukrainian seaports authority” (USPA) according to Law of Ukraine “On Sea Ports in Ukraine” No. 4709-VI dated May 17, 2012 (Law on Sea Ports) governing operation of sea ports, including legal treatment of sea port lands.

This Law regulates the activities of executive bodies engaged in state regulation, management, supervision and control over maritime safety of seaports, the national commission for state regulation in the field of transport, the USPA, owners of the terminals, stevedoring companies, other business entities operating in the seaport, and consumers of their services (goods, works).

Water Code of Ukraine No. 213/95-BP dated June 6, 1995 defines water bodies, including the port waters and water fund lands. The Water Code regulates specific matters related to allotment and management of water fund lands under the seaport waters as well as construction of hydrotechnical structures.

According to Chapter 4 of the Water Code of Ukraine – “Competence of government authorities in the field of management and control of the operation and protection of water resources”, to the Cabinet of Ministers of Ukraine responsibility is attributed, in particular, the disposal of inland sea waters, territorial sea and water areas of seaports.

Economic Code of Ukraine No. 436-IV dated January 16, 2003 (EC of Ukraine) establishes the legal status of USPA and powers regarding application of some land operation tools.

12.1.1.2 Port authority (port governance, port administration)

According to Law of Ukraine “On Sea Ports in Ukraine”, USPA is a state enterprise established in accordance with the legislation, ensures the functioning of 13 seaports (including seaports on Danube: Reni, Izmail and Ust`-Dunaïsk), maintenance and operation of port infrastructure of state ownership, other tasks assigned to it directly and through its branches in each seaport (seaport administrations). At the Danube region, there are three seaport administrations – branches of USPA: Reni branch of USPA, Izmail branch of USPA and Ust`-Dunaïsk branch of USPA.

Due to the allocation of strategic objects of port infrastructure, other property, rights and responsibilities, USPA was established as part of the Ministry of Infrastructure of Ukraine.

USPA was established in order to promote the development of maritime transport infrastructure of Ukraine and to increase the competitiveness of Ukrainian seaports by carrying out administrative reform and creating conditions and mechanisms for attracting strategic investments. One of the main functions of USPA is also providing an equal access of all port actors (subjects of state, private and other forms of ownership) to the terminals, which are the strategic objects of port infrastructure and are the basis of the USPA`s property in each seaport. The branches of USPA directly perform the functions of maintenance and operation of port facilities, infrastructure, ensure the implementation of the port development plan, financial plan, compliance with the regime on the territory, fire safety rules and labor protection standards.

Stevedoring activities related to the shipment, storage and transshipment of goods in Izmail and Reni seaports are carried out by economic entities of public and private forms of ownership that do not relate to administrative services.

Administrative functions are provided by natural monopolies subject to state regulation and determined by the Cabinet of Ministers of Ukraine. In particular, USPA provides such specialized services as pilotage, ensuring icebreaking works, access of the port operator to the berth, which is under the economic management of USPA.

USPA is not providing activities as a port operator.

USPA incorporates in its structure the head office in Kiev and the main representative office in Odessa, Delta-pilot and Dredging fleet branches and 13 branches in the seaports of Ukraine.

USPA is:

- the enterprise with assets over 20 billion UAH,
- 162 units of the fleet,
- one of the largest taxpayers in the state budget,
- 263 berths, length over 40 km,
- \$46 mio of capital investments.

USPA works for the state and business, covering every day the whole range of tasks in the port and at sea – starting from improving the legislative base to ensuring cargo transportation and safety of navigation.

12.1.1.3 Port land ownership

Port lands can be classified according to the entity that owns them and their use. Each category of port land will entail its own specific legal solutions to provide USPA with direct or indirect control over it. Taking into account the current absence of port boundaries, port land is defined as (a) land which is already developed with port infrastructure and facilities, (b) land that is potentially suitable for port development, located around port waters, and (c) land of water fund under port waters. On this basis, four categories of port land can be identified:

State land in permanent use

Land plots under this category are used by state-owned port enterprises, i.e. USPA and state-owned stevedoring companies, as well as state-owned industrial companies operating in ports. Land occupied by state-owned enterprises is currently disposed by the relevant regional and district state administrations. In particular, local state administrations have the authority to transfer land from one state-owned enterprise to another, or to withdraw land from permanent use for public and other needs.

Leased state and municipal land

This category of land is used for operating existing sea terminals and allocating new superstructure facilities. However, in some ports non-developed areas exist, which are suitable for construction projects. State land is leased out by local state administrations, which are authorized to control the performance of lease agreements. Local state administrations also act as plaintiffs in court cases of early termination of lease agreements. The administrators of municipal land, i.e. the relevant local councils, exercise similar powers.

Private land

Private terminals are located and operated on private land. In some ports, there are land plots that are not developed. Available land is basically considered to be earmarked for transport purposes.

Reserved state and municipal lands

Unallocated state and municipal lands that could be used to form port territories (port development land) and further expansion (port reserve lands). The potential of these lands may be lost due to their active reallocation to private entities. At the same time, settlements continue to expand at the expense of state land reserves, which can significantly complicate territorial expansion of ports in the future.

12.1.1.4 Port infrastructure ownership

As it was mentioned above, one of the USPA`s main purposes was for the promotion and development of maritime transport infrastructure of Ukraine, for which USPA maintains and ensures the efficient operation of state property transferred to it. In particular, it modernizes, repairs, reconstructs and builds hydraulic structures, other port infrastructure facilities located within the territory and waters of the seaport.

12.1.1.5 Port superstructure ownership

USPA and private terminal operators own superstructure and provide its modernization, repair, reconstruction. Unfortunately, no broad info available at the moment due to the limitations imposed by the data protection laws, that`s why it is not possible to describe the superstructure ownership details for private ones.

12.1.1.6 Port operations

Cargo handling of Izmail sea port is provided by the following terminal operators: state enterprise "Izmail Commercial Sea Port", "Serviceport" Ltd, "Ville Forte Ukraine" Ltd, "Izmail Elevator" Ltd, "Newenergy» Ltd and «Agency Triton Service Ukraine» Ltd. Except for state enterprise "Izmail Commercial Sea Port", all the port operators of Izmail seaport are private.

The largest share of cargo handling falls on the state enterprise "Izmail Commercial Sea Port", which is a state terminal operator and handles the largest number of cargo of Izmail port, since it has the largest capacity.

Other stevedoring companies specialize in certain types of cargo. Therefore, for example, Ltd "Serviceport" carries out the handling of liquid bulk cargoes – vegetable oil. Ltd "Ville Forte Ukraine" processes chemical liquid bulk cargoes. "Ville Forte Ukraine" Ltd is a terminal operator for the transshipment of liquefied petroleum gas (hereinafter - LPG) in the port of Izmail. The main function and tasks of this terminal are the attraction of freight traffic from producers in CIS countries with further transshipment to Balkan states. For example, "Ville Forte Ukraine Ltd" carries out collection and transshipments of import and transit LPG by means of inland waterways, rail and road transport; storage in own tank park and subsequent shipment of LPG by small-scale batches for delivery to the customer's gas stations. Ltd "Izmail Elevator" carries out handling of dry bulk cargoes, namely grain. The elevator has a capacity of 27,000 tons of simultaneous storage. It is a part of a holding company "Agroinvestgroup" Ltd. The priority direction of holding's activity is plant growing: growing of cereals and oilseeds with their further selling on the domestic market of Ukraine and export. Joint ventures of this agricultural holding are located in three zones of Odessa region and have direct access to the largest seaports of Ukraine. Ltd "Izmail Elevator" operates an elevator of port type and provides bulk type of storage. The elevator carries out grain loading with a capacity of 1,500 t/day for road transport and with a capacity of 1,000 t/day for rail. As for unloading it is 1 000 t/day for road transport and 1000 t/day for rail. The capacity of shipments for vessels is 1500 t/day.

State enterprise "Izmail Commercial Sea Port" is operating terminals located on 84.6 – 85.6 km of the Danube River, 90.0 – 91.0 km, 92.6 – 94.0 km.

"Izmail Elevator" Ltd is operating terminal within 93-94 km. "Newenergy» Ltd is located at 87.15 – 87.30 km, «Agency Triton Service Ukraine» Ltd is located at 86.7 – 86.85 km, "Serviceport" Ltd is located at 85.65 – 85.85 km.

Cargo handling at Reni sea port is carried out by following companies: "Danube Transservice" Ltd, "Laguna-Reni" Ltd, "Reni-Terminal" Ltd, "Imex Vitnei Investment Company" Ltd, "DSL Ukraine" Ltd, Private company "Larus Shipping", "Terminal Dugai" Ltd, "SC Accord" Ltd, Private company "Reni-Lis", "Reni-Line" Ltd, SE "Reni Commercial Sea Port", "Reni Elevator" Ltd and "AGRO RENI" Ltd.

Except for state enterprise "Reni Commercial Sea Port", all the port operators of Reni seaport are private.

The largest share of cargo processing falls on "AGRO RENI" Ltd, which provides loading and unloading of grain cargoes. Grain Terminal "AGRO RENI" Ltd is located on the territory of the Reni Seaport. The terminal provides simultaneous processing of

various dry bulk cargoes: grain, oilseeds, legumes and general cargoes. It can provide simultaneous storage of 15 thousand tons of grain. The terminal provides services of collection, storage, and shipment of grain both for export and for import.

Reni Elevator" Ltd provides services for the collection, loading/unloading, storage for grain and other agricultural cargo, and also provides storage in warehouses with a total capacity of about 40,000 tons, with the possibility of grain processing by drying and cleaning to the necessary conditions.

State Enterprise "Reni Commercial Sea Port" is a state-owned terminal operator, which has one cargo terminal and specializes in cargo handling operations for handling dry bulk, general cargo and liquid bulk. The ultimate cargo handling capacity of SE "Reni Commercial Sea Port", taking into account oil, is about 12 million tons per year. The share of cargo processed by SE "Reni Commercial Sea Port" at Reni sea port is considerably small (17.7%) due to the need of modernization of the existing equipment and port facilities.

13 Conclusions

This report encompasses issues important for the port authorities. Due to the huge number of Danube ports, the study team agreed to provide high-quality analysis of 20 selected ports along the Danube and its tributaries, including the seaport of Constanta and Ukrainian ports of Reni and Izmail, located on the Danube River have a status of maritime ports.

PGA was preparing the report, whereas PDR, EHOO, PDM, VPas, HFIP, PAV, MPAC, iC, ONMU and USPA was contribute by providing inputs on port governance systems in their respective countries and ports, only Romanian MT did not submit imputes for three ports: Drobeta Turnu Severin, Giurgiu and Galati.

AT: Ennshafen and Vienna

SK: Bratislava and Komarno

HU: Budapest, Dunaújváros and Baja

HR: Vukovar

RS: Bogojevo, Bačka Palanka and Prahovo

BG: Lom and Ruse

RO: Drobeta Turnu-Severin, Giurgiu, Galati and Constanta.

MD: Giurgulesti

UA: Reni and Izmail

Ports	Port land owner (State, Region, Municipality, Private, Other)	Port infrastructure owner (State, Region, Municipality, Private, Other)	Port superstructure owner (State, Region, Municipality, Private, Other)	Port authority (port governance, port administration)	Port operator (Public /Private/Mixed)	Port authority name	Port authority separated from port operator(s) (Yes/No)
Ennshafen	Region+private	port company/region-owned	port company/region-owned	Public owned company	Private	Ennshafen OÖ GmbH (+NÖ GmbH)	Yes
Vienna	Municipality of Vienna	Municipality of Vienna	Port company	Wiener Hafen GmbH & Co KG	Public and Private	Wiener Hafen GmbH & Co KG	Partly
Bratislava	State	Private	Private	Verejné prístavy, a.s. (port administration)	Private	Verejné prístavy, a.s	Yes

				n			
Komarno	State	Private	Private	Verejné prístavy, a.s. (port administration)	Private	Verejné prístavy, a.s	Yes
Budapest	state-owned MAHART Freeport Plc	state-owned MAHART Freeport Plc	Private	Freeport of Budapest Logistics Ltd	Private	Freeport of Budapest Logistics Ltd	Yes
Dunaújváros	Private ISD Dunaferr Zrt. 4,8 HA, and Centroport Kft.0,3446 HA	Private	Private	Port authority's name is ISD Dunaferr Dunai Vasmű Zrt., the same as port operator	Private	Dunaferr Dunai Vasmű Zrt	No
Baja	Public Port Ltd. are the Hungarian National Asset Management Inc. (Hungarian State), the Municipality of Baja and ÁTI DEPO Plc. Each entity has 33,33% share of the company	Hungarian State, Municipality of the City of Baja	No	National Public company	public	Baja National Public Port Management Target Company	No
Vukovar	State owned/Private owned	State owned/Private owned	State owned/Private owned	Port Authority	State owned company/Private owned company	Port Authority Vukovar	Yes
Bogojevo	State	State	Private	Port Governance	Private	Port Governance Agency	Yes
Bačka Palanka	State	State/Private	Private	Port Governance	Private	Port Governance Agency	Yes
Prahovo	State	State/private	Private	Port Governance	Private	Port Governance Agency	Yes
Lom	State	State	private	Publicly owned bodies	Private	EA Maritime Administration, BPICo	Yes

Ruse	State	State	BRCI	Publicly owned bodies	Private	EA Maritime Administration, BPICo	Yes
Vidin	State	State	State BRCI	Publicly owned bodies	Private and state owned	EA Maritime Administration, BPICo	Yes
Drobeta TS	State	State		Joint-stock company (80% Romanian state, 20% Proprietatea Fund)	Private	N.C. Administration of Danube River Ports J.S.Co. Giurgiu	Yes
Giurgiu	State	State		Joint-stock company (80% Romanian state, 20% Proprietatea Fund)	private	N.C. Administration of Danube River Ports J.S.Co. Giurgiu	Yes
Galati	State	State		Port Administration	Private	CN APDM SA GALATI (National Company Maritime Danube Ports Administration Galati)	Yes
Constanta	State	State		Joint-stock company (80% Romanian state, 20% Proprietatea Fund)	Private	N.C. Maritime Ports Administration J.S.Co. Constanta	Yes
Giurgulesti	State	Danube Logistics limited liability company	Private Danube Logistics limited liability company	Private Danube Logistics SRL	Private	Danube Logistics SRL	No
Reni	State	State	USPA and private terminal operators	Port authority	Public/Private	“Ukrainian seaports authority” (USPA)	Yes
Izmail	State USPA	State USPA	USPA and private terminal operators	Port authority	Public/Private	“Ukrainian seaports authority” (USPA)	Yes

All twenty Danube ports selected for this analysis demonstrated variations in terms of governance and ownership of port land and port infrastructure. It is considered that a selection of 20 Danube ports represents a statistically significant sample a reliable basis for the overall assessment of all operationally significant ports on the Danube.

In this view, it can be safely stated that the land in by far the largest number of Danube ports is publicly owned. This is, in the opinion of the authors of this report, the best possible solution since the port land represents a finite and strategic asset of any country and therefore needs to be governed by the public sector of different tiers (state, region or city/municipality). Among 20 selected ports, the state owns the port land in 15 ports, while the city (municipality) owns the land in one port. Private ownership of the port land was recorded in one port, while mixed ownership (public and private) was recorded in three ports.

As regards to the ownership of port infrastructure the state owns infrastructure assets in 10 ports, city (municipality) owns infrastructure assets in 3 ports, while private ownership of infrastructure was reported in 4 ports and mixed ownership in 3 ports.

When bodies and/or entities responsible for port governance (port authorities and similar entities) are concerned, it was reported that 15 port authorities were state owned bodies or enterprises, 2 were city/region owned, 3 were privately owned, while no mixed ownership was reported. .

Commercial exploitation of ports is entrusted, in most of the cases, to private port operators. In this view, 13 port operating companies were privately owned, while 3 ports housed a State, city/region owned 2 port operators and only one port had a state-owned port operator using the port.

Port governing and port operating functions are separated in the vast majority of ports, more precisely in 17 out of 20 analysed ports. This separation of public (governance, administration) and private (operations, exploitation) functions is often seen as a perfect balance of public and private roles in the use of strategic assets such as ports.

Nevertheless, the fact that ports are usually operated by private operators, it does not have to mean that such port operators are always owned by private shareholders. Publicly owned companies working under private company laws can also successfully operate ports, as long as they are successfully corporatized or commercialized.