

New Legislative Provisions:

The Case of the Ports of Ploče and Rijeka

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1

Background (1) – General

- **Landlord Ports =** port authority owns infrastructure and leases it out to operators by long term concessions
- **Throughput 2014 General**
 - Ploče: 3.112.000 tons
 - Rijeka: 9.022.776 tons
- **Throughput 2014 Container**
 - Ploče: 16.859 TEU
 - Rijeka: 192.004 TEU
- **Catchment Area:**
 - Similar: BIH, HR, HU, SK, SRB,
 - Ploče currently still particularly dependent on BIH



2

Background (2) – Rail

- **Hinterland connections**
 - mostly single-track
 - topographic obstacles
 - lack of adequate traction
 - Ploče: "railway-island" – only 25km to BIH, no connection to other Croatian rail infrastructure
 - Predicted capacity constraints far from happening
- **Organisation of shunting problematic**
 - governing laws unclear
 - Current maritime law (Art. 50, 66) - not clear
 - New Croatian railway law (Art. 24, 26, 28) – clear → transposition of EU recast
 - incumbent railways operate without contractual basis
- **Responsibility for maintenance of rail Infrastructure - unclear**



3

Governing Laws (1)

Legal Basis	Responsible Organization/ Task
<ul style="list-style-type: none"> ▪ Croatian Maritime Domain and Seaports Act Art. 50 (Official Gazette No. 158 / 03.141 / 06, 36/09 and 12/311): <ul style="list-style-type: none"> • Port Infrastructure ▪ Croatian Maritime Domain and Seaports Act Art. 66 et al.: <ul style="list-style-type: none"> • Responsibility for Transport Infrastructure – Construction and Maintenance • Delegation of Infrastructure Operation ▪ Directive 2012/34/EU Article 3.3: <ul style="list-style-type: none"> • Infrastructure manager may allocate responsibilities (construction, maintenance and operation) to bodies and firms ▪ Directive 2012/34/EU Article 13: <ul style="list-style-type: none"> • Port service facilities ▪ Croatian Railway Law (Official Gazette No. 94/13, 146/13) 	<ul style="list-style-type: none"> • Port Authority (in charge of port infrastructure) • Port Authority is in charge of construction and maintenance <ul style="list-style-type: none"> • Possible: Railway infrastructure operations can be allocated to concessionaire • Port Authority = IM <ul style="list-style-type: none"> • Possible: Outsourcing of operations (path allocation, charging, manoeuvring, signalling and safety-relevant communication): <ul style="list-style-type: none"> • Concessionaire (e.g. charging) • Main Line Infrastructure Manager or other IM (e.g. signalling and safety relevant communication, path allocation, charging) • Railway Undertaking (manoeuvring) – Option: Outside RU, RU of Port Authority, RU of port operator

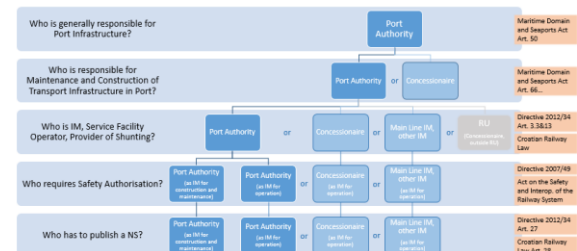
4

Governing Laws (2)

Legal Basis	Responsible Organization/ Task
<ul style="list-style-type: none"> ▪ Directive 2007/49/EU & Croatian Act on the Safety and Interoperability of the Railway System (Official Gazette No. 82/13, 16/15) <ul style="list-style-type: none"> • Rail IM requires safety authorisation ▪ Directive 2012/34/EU Article 27 & Croatian Railway Law Article 28: <ul style="list-style-type: none"> • Rail IM has to publish network statement 	<ul style="list-style-type: none"> • Railway Authority = IM for construction and maintenance • Railway Authority = IM for operation <ul style="list-style-type: none"> • If outsourced: Concessionaire or Main Line Infrastructure Manager or other IM = IM for operation • Railway Authority = IM for construction and maintenance • Railway Authority = IM for operation <ul style="list-style-type: none"> • If outsourced: Concessionaire or Main Line Infrastructure Manager or other IM = IM for operation

5

A Scheme of the Governing Law and its Effects on the Organisation of Shunting in Ports



6

Port	Responsible Organization
▪ Hamburg	▪ Hamburg Port Authority
▪ Kiel	▪ Seehafen Kiel (Port Authority)
▪ Köln	▪ HGK (Port Authority)
▪ Amsterdam	▪ Keyrail (IM installed by Port of Amsterdam 15%, Port of Rotterdam 35% and Prorail 50%; also responsible for Betuwe Line)
▪ Rotterdam	

Thank you for your attention!

If you want to share your comments with us, let us know via:
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