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**DUBLIN
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COMPANY**

DUBLIN PORT COMPANY

PROPOSAL TO LIMIT THE NUMBER OF PROVIDERS OF PORT SERVICES (TOWAGE) PURSUANT TO ARTICLE 6 OF REGULATION (EU) 2017/352 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 FEBRUARY 2017 ESTABLISHING A FRAMEWORK FOR THE PROVISION OF PORT SERVICES AND COMMON RULES ON THE FINANCIAL TRANSPARENCY OF PORTS

DATED 28 SEPTEMBER 2026

IN THE MATTER OF REGULATION (EU) 2017/352 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 FEBRUARY 2017 ESTABLISHING A FRAMEWORK FOR THE PROVISION OF PORT SERVICES AND COMMON RULES ON THE FINANCIAL TRANSPARENCY OF PORTS (THE “PORT SERVICES REGULATION”)

PROPOSAL BY DUBLIN PORT COMPANY TO LIMIT THE NUMBER OF PROVIDERS OF TOWAGE SERVICES FOR DUBLIN PORT IN ACCORDANCE WITH ARTICLE 6 OF THE PORT SERVICES REGULATION

INTRODUCTION

Article 6 of the Port Services Regulation provides that the managing body of a port may limit the number of providers of a given port service for one or more specified reasons. The Port Services Regulation is given effect in Ireland by the European Union (Port Services) Regulations 2019 (the “**2019 Regulations**”).

Dublin Port Company, as the statutory body charged with managing Dublin Port, has assessed the land and waterside areas within its boundaries that are capable of accommodating providers of towage services (the “**HM Assessment**”).

The HM Assessment has established that the number of locations suitable at Dublin Port for accommodating providers of towage services and/or the number of berths at Dublin Port suitable for accommodating providers of towage services is limited. Not all locations, and not all berths, at Dublin Port are suitable for the provision of towage services, whether by reason of their dimensions, existing use, infrastructure, proximity to berths, and/or safety constraints. The available and suitable locations and berths at Dublin Port are therefore fewer in number than would be required to support an unlimited number of providers of towage services.

Having regard to the HM Assessment Dublin Port Company is proposing to impose the following limitation on the number of providers of towage services for Dublin Port during each of the periods (i.e. Period 1; Period 2 and Period 3) as set out in the table at **Appendix 3** hereto, with capacity increasing on a programmed basis as infrastructure is constructed ahead of anticipated growth in vessel traffic associated with the MP2 and 3FM projects.

The limitation proposed is not intended to operate as a permanent or fixed ceiling on the number of providers of towage services for Dublin Port. As set out in Appendix 3, the maximum number of providers permitted to operate will increase in line with the phased delivery of additional berths and infrastructure capacity, and Dublin Port Company will keep the limitation under review as further capacity becomes available.

The grounds under the Port Services Regulation being relied upon by Dublin Port Company to limit the number of providers of towage services for Dublin Port are:

- (a) the scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law [Article 6(1)(a) of the Port Services Regulation]; and/or
- (b) the absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations [Article 6(1)(c) of the Port Services Regulation]; and/or

- (c) the characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible [Article 6(1)(d) of the Port Services Regulation].

Dublin Port Company relies on each of the three grounds set out above independently, and each ground is, on its own, sufficient to justify the proposed limitation on the number of providers of towage services for Dublin Port. The grounds may also be relied upon cumulatively and in combination with one another. Certain of the underlying facts and circumstances relevant to Dublin Port's infrastructure, traffic and operations are relevant to more than one ground; this reflects the interconnected nature of the scarcity, safety and infrastructure considerations affecting Dublin Port, and does not diminish the separate and sufficient justification provided for the proposed limitation under each of Article 6(1)(a), Article 6(1)(c) and Article 6(1)(d) of the Port Services Regulation, each of which is addressed in turn in Sections 5, 6 and 7 below.

In accordance with Article 6(2) of the Port Services Regulation, this proposal (the “**Proposal**”) constitutes the publication of a reasoned proposal to limit the number of providers of towage services for Dublin Port.

Interested parties are invited to submit written comments on the Proposal **by no later than 5pm on 22 January 2027** (the “**Consultation Period**”). Comments may be emailed to Towageconsultation@dublinport.ie or posted to: Michael Lennon, Company Secretary, Dublin Port Company Head Office (Interim), Block P7 , Eastpoint Business Park, Alfie Byrne Road, Dublin, D03 Y6A2, Ireland.

This Proposal has been published on Dublin Port Company's website at www.dublinport.ie/TowageDocument with effect from 28 September 2026, and will remain accessible there throughout the Consultation Period. A notice of this Proposal has also been published in the Official Journal of the European Union and in The Irish Times newspaper on 28 September 2026.

Following the Consultation Period, should Dublin Port Company proceed to adopt a decision to limit the number of providers of towage services, then: (1) a selection procedure relating to Period 1 will be launched by Dublin Port Company shortly thereafter in accordance with Article 6(4) of the Port Services Regulation; and (2) Dublin Port Company plans to launch a separate selection procedure in due course, in accordance with Article 6(4) of the Port Services Regulation, relating to Period 2 or Period 3 (as the case may be) subject to the relevant new facilities, and the associated additional capacity, applicable to Period 2 or Period 3 (as the case may be) becoming available.

Signed: Barry O’Connell
CEO, Dublin Port Company
Dated: 28 September 2026

1 BACKGROUND INFORMATION

Towage services are subject to the legal framework governing the provision of port services and the common rules on the financial transparency of ports set out in the Port Services Regulation. The Port Services Regulation is given effect in Ireland by the 2019 Regulations.

Dublin Port Company is the '*managing body*' of Dublin Port for the purposes of the Port Services Regulation; and the Irish Maritime Development Office has been designated as the '*relevant authority*' for the purposes of the Port Services Regulation under the 2019 Regulations.

Dublin Port Company has a statutory mandate to enable and facilitate international trade through the provision of and operation of marine and landside infrastructure that is critical to Ireland's national economy. The navigation channel at Dublin Port (the "**Dublin Port Navigation Channel**") is designated as Critical National Infrastructure and carries the highest possible risk classification under the State's Critical National Infrastructure Framework. This designation is supported by the National Risk Assessment Process and reflects both the volume and the strategic importance of maritime traffic transiting the Dublin Port Navigation Channel. The Harbours Act 1996 (the "**Harbours Act**") obliges Dublin Port Company to take all necessary measures for the management, control and operation of the harbour (Dublin Port), including the provision of reasonable facilities, accommodation and essential landside infrastructure required for handling goods and supporting the flow of trade in Ireland.

Dublin Port Company owns the moorings and the berths at Dublin Port. Prior to 2020, and up to date, Dublin Port Company, in its capacity as the managing body of Dublin Port, has used berth 50N to provide towage services for Dublin Port.

Since 15 January 2020, Dublin Port Company has made a berth (berth 18) available to Purple Water Towing Ltd. ("**PWT**") by way of a licence to provide towage services for Dublin Port from berth 18.

As a result, towage services for Dublin Port are currently being provided: (i) by Dublin Port Company in its capacity as the managing body of Dublin Port, and as the owner of the moorings and the berths at Dublin Port; and (ii) by PWT, under licence.

The HM Assessment has established that the available and suitable locations and berths at Dublin Port for accommodating providers of towage services are fewer in number than would be required to support an unlimited number of providers of towage services at Dublin Port.

In the circumstances, therefore, Dublin Port Company proposes to limit the number of providers of towage services for Dublin Port in accordance with Article 6 of the Port Services Regulation.

2 ARTICLE 6 OF THE PORT SERVICES REGULATION

- 2.1 Article 6 of the Port Services Regulation provides that managing bodies of ports (such as Dublin Port Company) may restrict the number of providers of a given port service.
- 2.2 The specific grounds upon which a managing body of a port (such as Dublin Port Company) may restrict the number of providers of a given port service are set out in Article 6 of the Port Services Regulation, being:
- 2.2.1 the scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with the decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law.
 - 2.2.2 the absence of such a limitation is obstructing the performance of public service obligations as provided for in Article 7 of the Port Services Regulation, including when such absence leads to excessively high costs related to the performance of such obligations for the managing body of the port, the competent authority, or the port users.¹
 - 2.2.3 the absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations.
 - 2.2.4 the characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible.
 - 2.2.5 where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or subsector, together with its port services, within a Member State carries out an activity that is directly exposed to competition in accordance with Article 34 of that Directive. In such cases, paragraphs 2 and 3 of Article 6 of the Port Services Regulation shall not apply.
- 2.3 Article 6(2) of the Port Services Regulation provides that where the managing body of a port (such as Dublin Port Company) is considering limiting the number of providers of port services in accordance with Article 6(1) of the Port Services Regulation, it must publish any such proposal (to limit the number of providers of port services), together with the grounds justifying the limitation, at least three months in advance of the adoption of the decision to limit the number of providers of port services. Accordingly, this Proposal constitutes the publication by Dublin Port Company of a reasoned proposal to limit the number of providers of towage services for Dublin Port.
- 2.4 Dublin Port Company is proposing to impose the limitation on the number of providers of towage services for Dublin Port during each of the periods (i.e. Period 1; Period 2 and Period 3) as set out in the table at **Appendix 3** hereto, with capacity increasing on a programmed basis as infrastructure is constructed ahead of anticipated growth in vessel traffic associated with Dublin Port Company's MP2 and 3FM Projects (see below).

¹ **Note:** For completeness, the ground set out at Article 6(1)(b) of the Port Services Regulation (public service obligations) is not relied upon by Dublin Port Company in this Proposal, as the limitation proposed is not based on the performance of public service obligations. This ground is set out above for completeness only.

3 SUPPORTING DOCUMENTATION

3.1 This Proposal is supported by:

- 3.1.1 the 'Harbour Master's Report on the Assessment of Infrastructure Options available for Towage at Dublin Port, September 2026' (the HM Assessment), a copy of which is appended hereto at **Appendix 1**; and
- 3.1.2 a Letter of Support from Rogan Associates, Consulting Engineers and Architects, a copy of which is appended hereto at **Appendix 2**.

4 **GROUND FOR LIMITING THE NUMBER OF PROVIDERS OF TOWAGE SERVICES FOR DUBLIN PORT**

The grounds under the Port Services Regulation being relied upon by Dublin Port Company to limit the number of providers of towage services for Dublin Port are:

Port Services Regulation Reference	Grounds
Article 6(1)(a); and/or	The scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law.
Article 6(1)(c); and/or	The absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations.
Article 6(1)(d)	The characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible.

Dublin Port Company relies on each of the three grounds set out above independently, and each ground is, on its own, sufficient to justify the proposed limitation on the number of providers of towage services for Dublin Port. The grounds may also be relied upon cumulatively and in combination with one another. Certain of the underlying facts and circumstances relevant to Dublin Port's infrastructure, traffic and operations are relevant to more than one ground; this reflects the interconnected nature of the scarcity, safety and infrastructure considerations affecting Dublin Port, and does not diminish the separate and sufficient justification provided for the proposed limitation under each of Article 6(1)(a), Article 6(1)(c) and Article 6(1)(d) of the Port Services Regulation, each of which is addressed in turn in Sections 5, 6 and 7 below.

5 ARTICLE 6(1)(a) OF THE PORT SERVICES REGULATION

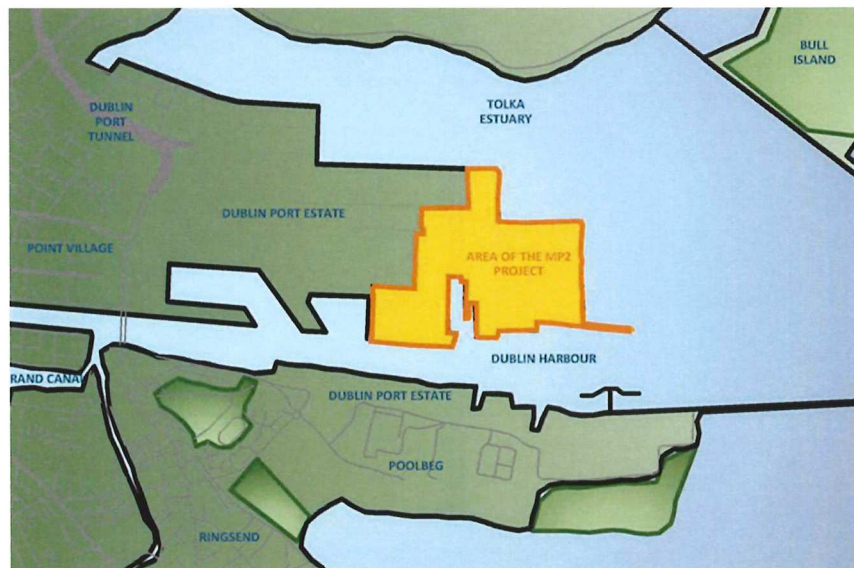
‘The scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with the decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law.’

5.1 Reasoning and justification for limiting the number of providers of towage services under Article 6(1)(a) of the Port Services Regulation.

- 5.1.1 This ground allows Dublin Port Company, as the managing body of Dublin Port, to limit the number of providers of a given port service where this is justified by the scarcity or reserved use of port land or infrastructure. This ensures that physical constraints, such as limited quay space, specialised operational areas, or infrastructure earmarked for essential port functions, are recognised as legitimate reasons for restricting the number of port service operators - provided that the limitation is in accordance with the decisions or plans agreed by Dublin Port Company as the managing body of the port; and where appropriate, any other public authorities competent in accordance with the national law.
- 5.1.2 As such, limiting the number of providers of towage services on the ground of the scarcity or reserved use of land or waterside space at Dublin Port is to be in accordance with plans and/or decisions agreed by Dublin Port Company (and where relevant those plans have been approved by any other public authorities if required under Irish law (for example, planning authorities)).
- 5.1.3 Therefore, any restriction based on Article 6(1)(a) of the Port Services Regulation should align with existing decisions or plans adopted by Dublin Port Company (and in circumstances where those decisions or plans are also required under Irish law to be approved by other public authorities, they have been so approved). This qualification helps ensure that land or infrastructure scarcity is grounded in port development or zoning plans.
- 5.1.4 The limitation on the number of providers of towage services for Dublin Port proposed in this Proposal, and the phased allocation of berths and capacity set out in the table at Appendix 3, is in accordance with the phased development of towage infrastructure at Dublin Port that has been planned and approved by Dublin Port Company, including the construction of the additional berths and docking facilities referred to in Appendix 3 and the associated increase in the number of providers of towage services able to be accommodated over time.
- 5.1.5 Dublin Port Company has considered whether the scarcity of land and waterside space identified above could instead be addressed through operational controls on the use of existing berths, without limiting the number of providers of towage services itself. Dublin Port Company does not consider that such operational controls alone would be sufficient. Each provider of towage services requires a dedicated berth on a permanent basis for its tugs, together with associated shore-side infrastructure, and these requirements cannot be shared or time-shared between providers in the way that, for example, cargo berthing slots might be scheduled. Limiting the number of providers is therefore necessary to ensure that the scarce land and waterside space available at Dublin Port is allocated in a manner consistent with Dublin Port Company's plans, rather than being exhausted by an unlimited number of providers seeking permanent berths.

- 5.1.6 There is a scarcity and/or reserved use of land and/or waterside space at Dublin Port.
- 5.1.7 In particular, there is limited mooring and berth capacity at Dublin Port to meet commercial shipping demand. Dublin Port Company's commercial activities are centred around the Dublin Port Navigation Channel and the berths area east of the Tom Clarke Bridge. On the marine side, Dublin Port is a very busy destination with up to 8,000 arriving vessels per annum navigating through a narrow shipping channel. In addition, Dublin Port is at capacity in many areas including Lift-on / Lift-off (LOLO), Roll-on / Roll-off (RORO) and bulk operations. Dublin Port Company manages significant traffic through restricted infrastructure, with throughput per hectare significantly exceeding that of comparable European ports. In this regard, please see also pages 19 & 20 of the HM Assessment.
- 5.1.8 The berthage at Dublin Port is delineated by leased terminal areas or Common User Areas. See the Table of berths, use and access/infrastructure arrangements at pages 47 et seq. of the HM Assessment for details of the use and limitations of the berths and which supports the current berthage assigned for tugs. A significant number of Dublin Port Company berths are operated by private terminals under lease / licence arrangements for commercial shipping. These areas are operationally specific to service the needs of RORO / LOLO / bulk solid and bulk liquid cargo operations and shipping. The areas are operated independently and in accordance with the Code of Practice for Health and Safety in Dockwork and the requirements of the International Ship & Port Security Code ("ISPS").
- 5.1.9 The remaining parts of Dublin Port are known as Common User Areas ("CUA"). The CUAs also have a high demand for access by commercial shipping with no part of the berths or quay wall that are not frequently used by ships for loading or discharging of cargo and the associated stevedoring operations. See pages 47 et seq. of the HM Assessment regarding the use of each of the berths, access restrictions for certain berths, and pending infrastructure projects.
- 5.1.10 Dublin Port operates at exceptionally high levels of demand on its scarce resources i.e. land, berths, and navigation channel access. In addition, Dublin Port Company must contend with the ongoing impact of several mega-projects which impact on both land and marine operations.
- 5.1.11 These include:
- (1) Alexandra Basin Redevelopment Project ("ABR"):
 - (a) Redevelopment of Berths 30 & 31 at Alexandra Basin West;
 - (b) Completion of dredged navigation channel to -10.0m Chart Datum ("CD").
 - (2) Alexandra Basin Redevelopment Project 2 ("ABR 2"):
 - (a) Dredge of Alexandra Basin with associated infill to eastern basin associated with Dublin Port Company's Masterplan 2 Project.
 - (3) Masterplan 2 Project ("MP2"):

- (a) The proposed landside elements of the MP2 project comprise:
- (1) A unified ferry terminal, incorporating existing Terminals 1, 2 and 5;
 - (2) Reconfiguration of existing roadways, buildings and lands to create an additional three hectares of usable terminal area;
 - (3) A new unified set of “in-gates” north of the existing terminal area accessed from the permitted Promenade Road Extension;
 - (4) A new ferry terminal building constructed overlooking the Tolka Estuary;
 - (5) Facilities for border control purposes for State Services (Revenue, Immigration and Agriculture);
 - (6) The expansion of an existing container terminal in terms of both berthage and land for the transit storage of imported and exported containers from Lo-Lo container ships.



(4) The 3FM Project

The 3FM Project involves an application for a 15-year permission for phased development works within existing port lands, focused primarily on the southern port estate on the Poolbeg Peninsula.

The 3FM Project has six key elements:

- (a) Construction of a new public road and bridge called the Southern Port Access Route (“SPAR”) to link the north and south port areas including a new opening bridge over the River Liffey. This will facilitate HGVs, pedestrians, cyclists, blue light services and public transport users moving to and from the South Port and Poolbeg Peninsula. The SPAR will also allow the 3FM Project to be rail enabled through rapid road

shunting of freight from the South Port, across the River Liffey, to rail intermodal facilities in the North Port vicinity.

- (b) Construction of a new Lift-on Lift-off (Lo-Lo) Terminal with an annual throughput capacity of 550,000 Twenty-foot Equivalent Units (TEU) or 5.34m tonnes. The Lo-Lo terminal will be located north of the ESB's Generating Station, with 650m of deep water berthage plus associated cargo handling areas (Dublin Port Masterplan Area N) to accommodate Lo-Lo vessels of up to 240m. It will operate in conjunction with a transit container storage yard located on waterside land currently used for bulk cargo handling (Dublin Port Masterplan Area L).
- (c) Replacement of the existing Lo-Lo container terminal, currently operated by Marine Terminals Limited (MTL), with a new Roll-On Roll-Off (Ro-Ro) Terminal with an annual throughput capacity of 360,000 Ro-Ro units or 8.69m tonnes. The Ro-Ro terminal will be located at existing Berths 42-45 including provision of two berths, each with a single tier Ro-Ro ramp, plus associated cargo handling facilities (Dublin Port Masterplan Area K).

The terminal will operate in conjunction with a transit Ro-Ro trailer yard located on Dublin Port Company owned land on the southern side of the Poolbeg Peninsula (Dublin Port Masterplan Area O). This combined terminal will accommodate Ro-Ro vessels of up to 240m length, primarily from Continental Europe.

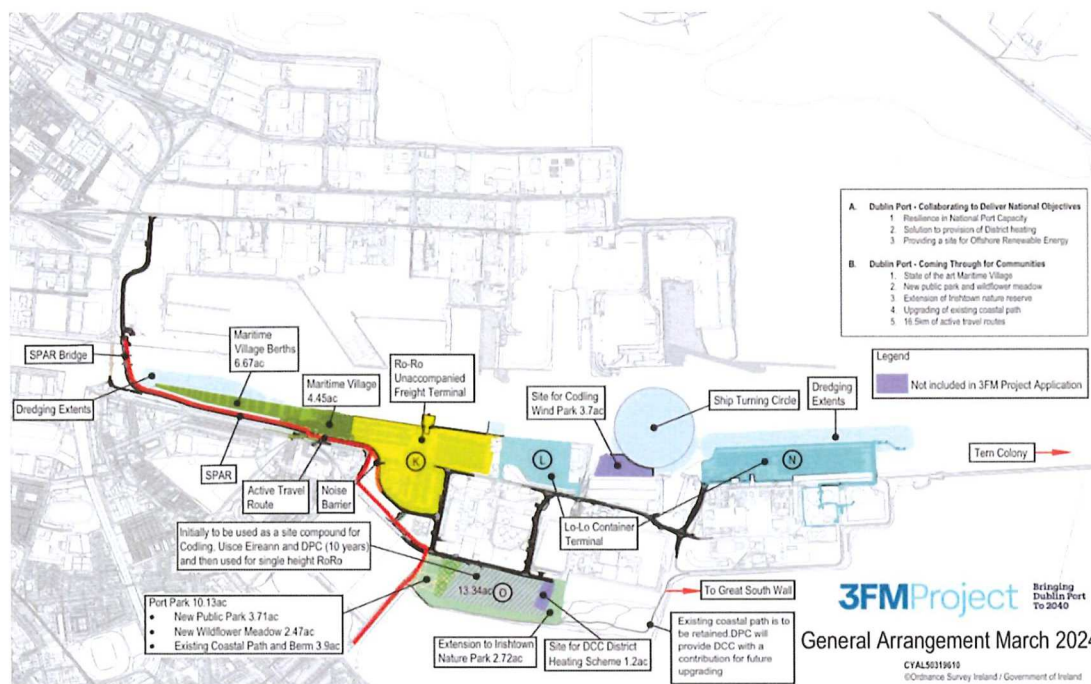
There will be no stacking of containers or trailers, nor use of gantry cranes, in Area O where ground level, single height freight trailers will be completely hidden from Sandymount Strand.

- (d) Provision of a 325m diameter ship turning circle in the river channel north of Pigeon House Harbour, dredged to a depth of -10.0m CD. The ship turning circle will enable safe navigation and efficient manoeuvring of vessels up to 240m in length.
- (e) Construction of a Maritime Village at Pigeon House Road and Berth 41. This village will accommodate local rowing, sailing, and boat clubs and will provide a significantly enhanced public realm and facilities on the waterside.

The 3FM Project will require the demolition of the existing boating facilities to make way for the proposed SPAR. The existing facilities will be replaced by the construction of the Maritime Village which will have a significantly larger footprint including the hinterland to Berth 41 (currently part of the existing Lo-Lo Container Terminal operated by MTL).

- (f) Construction of Community Gain elements, which collectively represent a substantial and meaningful community proposal, including:

- (1) Enhanced recreational amenity through:
 - (2) 7.0km of Active Travel Paths (cycle, pedestrian, wheelers etc.) and 4.9km of new or upgraded footway for the SPAR and Poolbeg Peninsula, which will link with the 1.4km Liffey Tolka Greenway in the North Port, and from there to the 4.0km Tolka Estuary Greenway currently under construction by Dublin Port Company. Dublin Port Company will also provide Dublin City Council with a €5 million contribution for future upgrading of the existing coastal path along the southern perimeter of the Poolbeg Peninsula;
 - (3) development of a sailing, rowing and maritime campus ("Maritime Village") adjacent to the existing Poolbeg Yacht and Boat Club in consultation with local sailing and boating clubs, including a public slipway and facilities for maritime skills training;
 - (4) provision of recreational space in the form of Port Park and Wildflower Meadow (2.5ha) and Coastal Park (1.6ha), and 1.1ha extension to Irishtown Nature Park, and development of a new floodlit playing pitch within Port Park for the use of local football clubs.
 - (5) Enhanced public realm through the development of a new public plaza as a key part of the Maritime Village, and extensive boundary softening works adjacent to the development sites forming part of the 3FM Project.
- (g) Community support through the establishment of a new €2 million Community Benefit Fund for Education, Heritage & Maritime Training Skills projects within the Poolbeg area. The initial capital for the Fund will be administered by Dublin Port Company in consultation with local stakeholders.
- (h) Heritage & Biodiversity enhancements through:
- (i) an innovative design approach that will use open-piled structures to protect marine biodiversity by preventing significant infilling of the River Liffey, while also being future-proofed against climate change impacts;
 - (ii) sustainable construction practices, low-carbon materials, and energy-efficient infrastructure that will reduce the port's environmental impact;



- (iii) commissioning a new Public Access Feasibility Study regarding the Great South Wall to identify improved public interpretation, accessibility, facilities and conservation possibilities, with up to €1 million funding to implement the study recommendations.
- (iv) construction of an additional permanent marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies.
- (v) provision of Interpretative Markers to delineate the alignment of the Great South Wall.

5.1.12 In addition, there are a number of other key projects as follows:

- (1) The Point Square development at the west end of Berth 18 – 2026 onwards.
- (2) The Liffey Tolka Greenway construction area – 2027 onwards.
- (3) Construction of temporary floating pontoon arrangements for relocation of Harbour Operations Pilot boat craft and tugs – Q3 2027 onwards pending permissions.
- (4) Relocation of Poolbeg Marina and craft – Date TBD pending decision by An Coimisiún Pleanála (Part of the 3FM Project).

5.1.13 Dublin Port is the country's largest and most important port and is currently operating near capacity. It is now being developed to its ultimate capacity based on Dublin Port Company's Masterplan 2040 by way of three Strategic Infrastructure Development (SID) projects all of which are underway. These include significant capital investments to upgrade facilities to manage increased volume and vessel size by 2030. The rollout of the development programme and the SID

Projects and the upgrade of facilities will itself cause major disruption and congestion with significant numbers of additional personnel, machinery and plant on site; all of which must be safely managed by Dublin Port Company.

- 5.1.14 In order to optimally meet the high level of commercial shipping demand for that mooring / berth capacity, and on the basis of the scarcity and current uses of land and waterside space at Dublin Port, Dublin Port Company considers it necessary to limit the number of providers of towage services for Dublin Port. This limitation will in turn provide for a finite number of tug berths available for use by towage service providers. Dublin Port Company has made plans for current and future infrastructure and as such the limitation of the number of providers is in line with the provision of additional infrastructure. The table at **Appendix 3** hereto provides details of the increasing provision of infrastructure.
- 5.1.15 The HM Assessment's position on the limiting nature of the infrastructure at Dublin Port has also been independently supported by Rogan Associates, including that:
- 5.1.16 "the overwhelming majority of berths within Dublin Port are either fully committed to commercial operations, subject to ISPS and terminal licencing constraints, or are operationally incompatible with safe and reliable towage use and tug berthing to appropriate berthing slots."

5.2 Conclusion:

- (1) Dublin Port Company owns the moorings and the berths at Dublin Port, and has a statutory mandate to enable and facilitate international trade through the provision of and operation of marine and landside infrastructure that is critical to Ireland's national economy.
- (2) The Dublin Port Navigation Channel is designated as Critical National Infrastructure and carries the highest possible risk classification under the State's Critical National Infrastructure Framework.
- (3) Dublin Port operates within a uniquely constrained footprint and at exceptionally high levels of intensity.
- (4) There is a scarcity and/or reserved use of land and/or waterside space at Dublin Port.
- (5) Dublin Port Company has carried out a detailed assessment of the land and waterside areas that are capable of accommodating providers of towage services (the HM Assessment).
- (6) The HM Assessment has established that the number of suitable locations capable of accommodating providers of towage services is limited. The available and suitable spaces are therefore fewer in number than would be required to support an unlimited number of providers of towage services.
- (7) The HM Assessment has been independently supported by Rogan Associates, who note that the HM Assessment is aligned with international best practices.

- (8) The limited number of spaces available at Dublin Port, and the fact that not all spaces are available and / or suitable for the provision of towage services, constitute clear and objective grounds for the proposed limitation.
- (9) The limitation proposed takes into account the impact of several mega-projects which impact on both land and marine operations.
- (10) For the reasons set out above and in this Proposal, Dublin Port Company considers that a limitation on the number of providers of towage services for Dublin Port, as proposed by Dublin Port Company in this Proposal and as set out in the table at **Appendix 3** hereto, is justified pursuant to Article 6(1)(a) of the Port Services Regulation.

6 ARTICLE 6(1)(c) OF THE PORT SERVICES REGULATION

‘The absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations.’

6.1 Reasoning and justification for limiting the number of providers of towage services under Article 6(1)(c) of the Port Services Regulation.

6.1.1 This ground allows Dublin Port Company, as the managing body of Dublin Port, to limit the number of providers of a given port service where the absence of such a limitation would run counter to the need to ensure safe, secure or environmentally sustainable port operations.

6.1.2 This ground recognises that a limitation may be necessary where, having regard to the physical layout, operational intensity and traffic profile of the port, the unrestricted operation of multiple providers of towage services would be inconsistent with maintaining safe, secure and environmentally sustainable port operations. In Dublin Port, this includes ensuring that the number and positioning of towage providers, tugs, personnel and supporting equipment can be managed without compromising navigational safety, safe access to berths, the safety of persons working in or visiting the port, and/or the orderly movement of vessels within the Dublin Port Navigation Channel.

6.1.3 Dublin Port operates within a uniquely constrained footprint and at exceptionally high levels of operational intensity. Its berths, quay walls, navigation channel, terminal areas and landside access routes are subject to constant and competing demands from commercial shipping, cargo operations, port users, State services, contractors, employees and other authorised visitors.

6.1.4 Against that background, Dublin Port Company considers it imperative that towage operations at Dublin Port are planned, accommodated and controlled in a manner that protects the safety of life, the safety of shipping, the security of port operations, the Dublin Port Navigation Channel and the surrounding marine environment.

6.1.5 Towage is an essential marine service within that operating environment. The location, availability and movement of tugs, and the access arrangements for their crews and supporting equipment, must therefore be managed as part of the wider system of vessel traffic management, berth allocation, safe access, terminal safety and environmental protection at Dublin Port.

6.1.6 This approach is consistent with Dublin Port Company’s statutory and operational controls. Under the Dublin Port Company Bye-Laws (Pilotage Excepted) (the “**Bye-Laws**”), the immediate charge of the regulation of shipping and traffic in the Harbour, and the governing and accommodation of shipping therein, devolves to and is regulated by the Harbour Master. The Bye-Laws require masters, crews and persons employed in connection with shipping or traffic of the Harbour Premises to obey the lawful orders and directions of the Harbour Master.

6.1.7 The Bye-Laws also provide that the Harbour Master may give directions to the master of a vessel using the Harbour for the purpose of protecting persons and property or regulating traffic. Those directions may include designating areas,

routes or channels to be used or avoided, regulating vessel movements and berth access, and requiring the removal of vessels from berths where necessary to protect the safe and proper use of the facility, to enable another vessel to use the berth, to facilitate maintenance or development works, or where, in the Harbour Master's opinion, removal is otherwise necessary.

6.1.8 In particular, the Bye-Laws provide that the Harbour Master shall regulate the manner in which towage is carried out within the Harbour Premises, shall determine and regulate the berthing and movement of all vessels within the Harbour Premises, and may require a vessel to be moored, unmoored, placed or re-moored in accordance with the Harbour Master's directions. They also require vessels to be properly and sufficiently moored, to maintain sufficient means of access or gangways as required by law, to avoid obstructing other vessels from being discharged, loaded, navigated or moored, and to comply with requirements designed to prevent pollution, obstruction and unsafe interference with port operations.

6.1.9 These powers and obligations are directly relevant to the assessment of how many providers of towage services, tugs, crews and associated facilities can safely be accommodated within the constrained waterside, berth and landside infrastructure of Dublin Port. In this regard, the HM Assessment has concluded that not all locations, and not all berths, at Dublin Port are suitable for the provision of towage services, including by reason of safety, access, mooring, operational and environmental constraints.

6.2 Safety:

6.2.1 Safe towage operations requires at least the following elements:

(1) Safe Berths:

- (a) A safe berth with appropriate mooring facilities, that is not exposed to the risks of other manoeuvring vessels, including the occupant of the berth not acting as a risk to other vessel manoeuvres.
- (b) Safe transport access to and from the location of the tug(s) to the public roads / port accesses. Such access must not risk or expose the persons to the high risks that exist within terminal operations where access is only granted to trained personnel who are briefed on a shift-by-shift basis.
- (c) Sufficient access to and from the vessel and quay wall. Every vessel is required by legislation to maintain safe access to the vessel from the quay wall by a gangway (S.I. No. 108/1988 Merchant Shipping (Means of Access) Regulations, 1988). Safe access from the quay wall to the tug is generally via a gangway or pontoon system. Due to the relatively small size of tugs, the gangways are generally stored ashore and require a small amount of space such that the certified gangway will not become damaged.

- 6.2.2 Dublin Port manages a high volume of ship movements within any given year, consisting of ship arrivals, ship departures, and ship movement between berths. The total number of ship movements is typically 15,000 – 17,000 per annum.
- 6.2.3 The size of ships calling to Dublin Port has increased over the years as the shipping market seeks to achieve more efficient and sustainable cargo delivery, with the number of LOLO ships calling to Dublin Port with an overall length of more than 160m, increasing from 7 in 2021 to 117 in 2024. Similarly, the gross tonnage of ships has increased.
- 6.2.4 Ships manoeuvring at Dublin Port must ensure that each manoeuvre is adequately planned to result in a safe movement into, out of, or within the port. Figure 7 at page 34 of the HM Assessment shows the volume of manoeuvres at each manoeuvring area of Dublin Port.
- 6.2.5 A ship that is manoeuvring into or out of its docked position cannot do so around the presence of a docked tug.
- 6.2.6 Dublin Port Company must ensure that all movements to and from berths are safe and efficient.
- 6.2.7 In addition, a safe and efficient harbour towage operation depends on a defined set of shore-side facilities and operational conditions that ensure safe access, safe working, continuous readiness (towage is a 24-hour port service, and the designated berth must therefore be available 24/7 or near continuous basis) and the long-term sustainability of the service.
- 6.2.8 For a safe and efficient harbour towage operation, tugs require a berth of suitable length, depth and structural capacity to safely lie alongside when not actively engaged in towage. Critically, the berth must remain accessible at all stages of the tide.
- 6.2.9 Tugs must also have adequate mooring infrastructure, protection from passing traffic and tug operations, safe crew access without exposure to Terminal risks, safe means of access between the tug and the quay, bunkering services, waste reception services, maintenance services, fixed connections for shore power and fresh water. In this regard, installations such as electricity supply and meter, and water supply and meter must be permanently located at the tug berth – temporary placement of cable, hoses etc. across cargo quays being unsafe.
- 6.2.10 Failure to meet these requirements exposes crews to unsafe Terminal environments.
- 6.2.11 The HM Assessment has established that not all locations, and not all berths, at Dublin Port are appropriate for the provision of towage services, including by reason of safety constraints. See pages 47 et seq. of the HM Assessment in relation to the use of each of the berths, access restrictions for certain berths, and the safety limitations as regards safety and mooring and access/egress.
- 6.3 Personnel / Increased equipment, tugs, traffic etc:
 - 6.3.1 Safety is paramount to Dublin Port Company. Dublin Port Company must manage Dublin Port as a complex, high-intensity working port in which commercial

shipping, towage, cargo operations, State services, contractors, employees and visitors operate within a constrained marine and landside environment.

- 6.3.2 In that context, *'Dublin SafePort'* and *'Dublin Port Pass'* form part of Dublin Port Company's wider port safety management approach. *'Dublin SafePort'* was introduced to promote a common safety culture and consistent safety behaviours across Dublin Port. *'Dublin Port Pass'* supports that approach by controlling and evidencing access, induction and safety awareness for persons entering or working within the port estate. These measures reflect the importance of managing people, vehicles, equipment and operational interfaces in a controlled and coordinated manner.
- 6.3.3 These controls are particularly important because Dublin Port operates within a uniquely constrained footprint and at exceptionally high levels of operational intensity. Additional towage providers would not only add additional vessels; they would also add personnel, crew transfers, road movements, plant, stores, gangways, maintenance activity, utilities, bunkering, waste arrangements and other supporting equipment and services.
- 6.3.4 Tugs are powerful and highly manoeuvrable vessels. They require safe berthage, protected mooring arrangements, reliable access, sufficient water and quay space in order to operate without creating additional risk to commercial shipping or to persons working in the port. The greater the number of towage providers, the greater the number of tugs, crews, support vehicles and operational interfaces that must be accommodated and controlled within that confined environment.
- 6.3.5 Dublin Port Company has considered whether the safety, security and environmental concerns identified above could instead be addressed solely through operational controls on tug movements, berthing slots or activity levels, without limiting the number of providers of towage services itself. Dublin Port Company does not consider that such operational controls alone would be sufficient. Each additional provider of towage services necessarily brings its own tugs, crews, support vehicles, equipment, and shore-side infrastructure requirements (including berthage, mooring, utilities and access arrangements), each of which must be separately and permanently accommodated within the same constrained waterside and landside footprint, rather than shared or time-shared between providers in the way that vessel movements or berthing slots might be scheduled. Limiting the number of providers is therefore the only means of ensuring that the cumulative footprint of towage operations, in terms of permanent berth occupation, personnel, equipment and access, remains within the safe operating capacity of Dublin Port, whereas regulating tug movements or berth allocation alone would not address the underlying constraint on the number of distinct operators, and their associated fixed infrastructure requirements, that Dublin Port can safely accommodate.
- 6.3.6 The HM Assessment has established that not all locations, and not all berths, at Dublin Port are appropriate for the provision of towage services, including by reason of safety, access, mooring, manoeuvring, operational and environmental constraints.
- 6.3.7 The limited availability of appropriate berthage directly affects the number of providers of towage services that can be safely permitted to operate at Dublin Port.

Any increase in the number of providers must be assessed not only by reference to waterside berth availability, but also by reference to safe access, terminal interfaces, emergency response, crew movements, utilities, maintenance activity and the ability to avoid obstruction of commercial vessel movements.

- 6.3.8 The availability, positioning and supporting infrastructure of tugs must therefore be carefully controlled to ensure rapid response capability, safe manoeuvring of large commercial vessels, safe access for crews, safe interaction with terminal operations, and the avoidance of additional navigational, operational or environmental risk.
- 6.3.9 Having regard to the HM Assessment, '*Dublin SafePort*', '*Dublin Port Pass*' and the operating conditions described above, Dublin Port Company considers that the provision of additional tug berthage beyond the locations and limits identified in this Proposal would give rise to material safety and operational concerns. In particular, additional tug locations, personnel movements and supporting equipment would increase the number of interfaces within already constrained marine and landside areas, increase the potential for obstruction or conflict with commercial vessel movements, and make it more difficult to maintain safe, orderly and environmentally sustainable towage operations.
- 6.3.10 The position set out in the HM Assessment has been independently supported by Rogan Associates, noting that:
- 6.3.11 'the Harbour Master has undertaken a comprehensive, evidence-based assessment of towage berthage requirements and has arrived at conclusions that are proportionate, and aligned with best practice in port safety management and international best practices.'

6.4 Conclusion:

- (1) The protection of human life is a key priority for Dublin Port Company and Dublin Port Company is fully committed to the safety and security of all users of Dublin Port.
- (2) Dublin Port operates within a uniquely constrained footprint and at exceptionally high levels of intensity.
- (3) The provision of towage services at Dublin Port must be conducted in a manner that ensures the safety of life, the safety of shipping, the protection of the Dublin Port Navigation Channel and the protection of the surrounding sensitive environmental areas.
- (4) The constrained footprint within which Dublin Port operates means that only a defined number of providers of towage services can be accommodated without compromising the safe and orderly operation of Dublin Port.
- (5) Dublin Port Company considers it imperative that the towage operations undertaken at Dublin Port are safe, secure and environmentally sustainable.

- (6) The HM Assessment has established that not all locations, and not all berths, at Dublin Port are appropriate for the provision of towage services, including by reason of safety constraints.
- (7) Limited berthage and the constrained footprint within which Dublin Port operates impacts on the number of providers of towage services that can be safely permitted to operate at Dublin Port
- (8) The HM Assessment has identified those berths at Dublin Port both present and future from which the provision of towage services can be provided in a safe manner having regard to operational conditions at Dublin Port.
- (9) The HM Assessment has been independently supported by Rogan Associates, who note that the HM Assessment is aligned with best practice in port safety management.
- (10) For the reasons set out above and in this Proposal, Dublin Port Company considers that a limitation on the number of providers of towage services for Dublin Port, as proposed by Dublin Port Company in this Proposal and as set out in the table at **Appendix 3** hereto, is justified pursuant to Article 6(1)(c) of the Port Services Regulation.

7 ARTICLE 6(1)(d) OF THE PORT SERVICES REGULATION

‘The characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible.’

7.1 Reasoning and justification for limiting the number of providers of towage services under Article 6(1)(d) of the Port Services Regulation.

7.1.1 This ground allows Dublin Port Company, as the managing body of Dublin Port, to limit the number of providers of towage services for Dublin Port where this is justified because the characteristics of Dublin Port infrastructure or the nature of Dublin Port traffic is such that the operations of multiple providers of towage services at Dublin Port is not possible.

7.1.2 This ensures that Dublin Port Company, as the managing body of Dublin Port, can limit the number of providers of towage services at Dublin Port where the physical layout and/or the infrastructure for the provision of towage services at Dublin Port are such that the simultaneous operation of an unrestricted number of providers of towage services at Dublin Port is not feasible.

7.2 The characteristics of infrastructure at Dublin Port

7.2.1 The Dublin Port Navigation Channel is designated as Critical National Infrastructure and carries the highest possible risk classification under the State’s Critical National Infrastructure Framework. This designation is supported by the National Risk Assessment Process and reflects both the volume and the strategic importance of maritime traffic transiting the Dublin Port Navigation Channel.

7.2.2 Against this ‘critical national infrastructure’ backdrop:

- (1) the safe management of vessel movements, the protection of life, the safeguarding of the marine environment and the continuity of port operations are overriding priorities for Dublin Port Company in all operational and planning decisions, including relating to the number of providers of towage services that can safely operate at Dublin Port without potentially compromising the critical Dublin Port Navigation Channel;
- (2) Dublin Port operates at exceptionally high levels of demand on its scarce resources (i.e. land, berths, and navigation channel access). In addition, Dublin Port must also contend with the ongoing impact of several mega-projects which impact on infrastructure at Dublin Port. These include:
 - (a) ABR completion;
 - (b) ABR 2;
 - (c) MP2;
 - (d) 3FM;
 - (e) the Point Square development at the west end of Berth 18 – 2026 onwards. The Liffey Tolka Greenway construction area – 2027 onwards.
 - (f) construction of temporary floating pontoon arrangements for relocation of Harbour Operations Pilot boat craft and tugs – Q3 2027 onwards pending permissions.
 - (g) relocation of Poolbeg Marina and craft – date to be determined pending decision by An Coimisiún Pleanála.
- (3) Dublin Port is currently operating near capacity and is now being developed to its ultimate capacity based on Dublin Port Company's Masterplan 2040 by way of three Strategic Infrastructure Development (SID) projects all of which are underway.
- (4) the rollout of the development programme and the SID Projects and the upgrade of facilities will itself cause major disruption and congestion with significant numbers of additional personnel, machinery and plant on site; all of which must be safely managed by Dublin Port Company;
- (5) there is a scarcity and/or reserved use of land and/or waterside space at Dublin Port. In particular, there is limited mooring and berth capacity at Dublin Port to meet demand.

7.3 Dublin Port Company considers it critical that the practical limits of Dublin Port's infrastructure do not compromise operational viability, or impede orderly, safe and sustainable port operations. Infrastructure limitations as to the availability of berths and the limitations on space as described above impact upon the number of providers of towage services that Dublin Port Company can safely permit to operate at Dublin Port.

7.4 The HM Assessment has established that the number of suitable locations capable of accommodating providers of towage services is limited. The available and suitable spaces are

therefore fewer in number than would be required to support an unlimited number of providers of towage services.

- 7.5 Dublin Port Company has considered whether the infrastructure and traffic characteristics identified above could instead be addressed through operational controls on vessel or tug movements, without limiting the number of providers of towage services itself. Dublin Port Company does not consider that such operational controls alone would be sufficient. The characteristics of Dublin Port's infrastructure, including the limited number of berths capable of accommodating towage operations and the confined nature of the Dublin Port Navigation Channel, mean that only a finite number of providers, each with their own permanently based tugs and supporting infrastructure, can physically be accommodated, regardless of how vessel and tug movements are otherwise regulated. Limiting the number of providers is therefore the only means of addressing the underlying physical constraint, rather than merely managing its symptoms.
- 7.6 The Dublin Port Harbour Master, exercising statutory powers under the Harbour Acts, is responsible for directing shipping movements and ensuring that towage arrangements at Dublin Port are adequate, safe and appropriate to prevailing operational conditions.
- 7.7 In this regard, the HM Assessment has established that berth 18 and berth 50N currently provide the only suitable bases for towage operations for Dublin Port.
- 7.8 The HM Assessment further highlights that alternative locations would either interfere with active RORO, LOLO, bulk solid or bulk liquid operations, and / or compromise vessel manoeuvring space within the critical national infrastructure that is the Dublin Port Navigation Channel.
- 7.9 The nature of traffic at Dublin Port:
- 7.9.1 Dublin Port Company's commercial activities are centred around the Dublin Port Navigation Channel and the berths area east of the Tom Clarke Bridge. On the marine side Dublin Port is a very busy destination with up to 8,000 arriving vessels per annum navigating through a narrow shipping channel. In addition, Dublin Port is at capacity in many areas including Lift-on/Lift-off (LOLO), Roll-on/Roll-off (RORO) and bulk operations.
- 7.9.2 Each vessel arriving at, or departing from, Dublin Port requires sufficient time, sea room and clear access to execute its planned manoeuvre safely within the confined waters of the Dublin Port Navigation Channel and the adjoining berth approaches. Having regard to the characteristics of Dublin Port's infrastructure, and the nature of its traffic, vessels must be able to turn, swing, approach and depart from berths without obstruction from temporarily berthed or inappropriately positioned tugs. Maintaining clear berth approaches and manoeuvring areas is therefore essential to ensuring that vessel movements are carried out safely and without introducing additional risk to commercial shipping, towage crews or other port users.
- 7.9.3 Dublin Port Company considers that it is critical that the practical limits of Dublin Port's infrastructure do not compromise operational viability, or impede orderly, safe and sustainable port operations. Infrastructure limitations as to the availability of berths and the limitations on space as described above impact upon the number of providers of towage services that Dublin Port Company can safely permit to operate at Dublin Port.

7.10 Other infrastructure limitations / considerations include energy and utilities / the provision of electrical power and water.

7.10.1 Tugs require services to reduce the running time of generators. Such services require the establishment of electricity connection, electricity meter, and water connection and meter. This infrastructure can be made available in a specific area on a permanent basis. Temporary arrangement of these services across other working quays is not feasible due to the risks of cables being run where heavy machinery and dock labour operate.

7.10.2 Conclusion:

- (1) The Dublin Port Navigation Channel is designated as Critical National Infrastructure and carries the highest possible risk classification under the State's Critical National Infrastructure Framework.
- (2) The protection of the Dublin Port Navigation Channel is a key priority for Dublin Port Company.
- (3) The Dublin Port Harbour Master, exercising statutory powers under the Harbour Acts, is responsible for directing shipping movements and ensuring that towage arrangements for Dublin Port are adequate, safe and appropriate to prevailing operational conditions.
- (4) The HM Assessment has established that the number of suitable locations capable of accommodating providers of towage services is limited.
- (5) The available and suitable spaces are, therefore, fewer in number than would be required to support multiple providers of towage services.
- (6) The physical layout and / or the infrastructure at Dublin Port are such that the simultaneous operation of an unrestricted number of providers of towage services is not feasible.
- (7) The characteristics of the port infrastructure and the nature of the port traffic at Dublin Port mean that infrastructure limitations as to the availability of berths and the limitations on space impact upon the number of towage operators that Dublin Port Company can safely permit to operate.
- (8) The HM Assessment has concluded that berth 18 and berth 50N currently provide the only suitable bases for towage operations at Dublin Port.
- (9) The HM Assessment, and its conclusion, has been independently supported by Rogan Associates.
- (10) For the reasons set out above and in this Proposal, Dublin Port Company considers that a limitation on the number of providers of towage services for Dublin Port, as proposed by Dublin Port Company in this Proposal and as set out in the table at **Appendix 3** hereto, is justified pursuant to Article 6(1)(d) of the Port Services Regulation.