

Provision of port services and financial transparency of ports

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The Council took note of the **state of play** regarding proposed new rules for market access to port services and financial transparency of ports, based on a progress report drawn up by the Presidency.

To recall, the examination by the Shipping Working Party began in October 2013, during the Lithuanian Presidency and continued under the Lithuanian Presidency.

The **Committee on Transport and Tourism (TRAN)**, the responsible committee of the European Parliament, has appointed Mr Knut Fleckenstein (S&D-Germany) as rapporteur for the proposal. The rapporteur submitted his draft report on 11 November 2013. However, due to lack of time and to the fact that several key questions remained open, TRAN decided not to vote on the report before the elections to the European Parliament.

It should be noted that **seven national parliaments** submitted a reasoned opinion on the proposal (Belgium, Spain, France, Latvia, Malta, Poland and Sweden).

The majority of Member States **supports the general objectives** of the proposal. However, they express concerns with regard to both the substance of the Directive and the choice of legal instrument, the majority of delegations prefer a Directive, considering that "soft law", e.g. guidelines, would suffice, in place of a Regulation.

The concerns expressed by delegations relate to, among other things, the scope of the Regulation, so far as it concerns both the services and the ports subject to the Regulation.

Scope for the provision of services: many Member States have proposed additional exclusions of port services, first and foremost of services related to safety aspects (pilotage) and to port infrastructure (dredging). It has been suggested that either only seaports which are part of the core network (i.e. mostly larger ports) be included in the scope or any TEN

-T seaport that receive public funds.

Procedures: most Member States would like to see simpler, more coherent and less cumbersome procedures throughout the proposal. Many delegations have called for:

- more flexibility as regards the procedural framework when ensuring compliance with the minimum requirements for the provision of port services;
- more flexibility with regard to limiting the number of service providers. For the limitation of the number of port services it has been asked to add considerations for safety, security and environmental sustainability.

Consulting the port users and supervision: Member States support the principle of consulting the port users and relevant stakeholders, but they believe it should be left to the ports or to the Member States to decide on the nature and timing of this consultation.

With regard to the national independent supervisory bodies, the majority of Member States expressed concerns about the risk of creating additional administrative burdens and about the functioning of the supervision mechanism.

Port infrastructure charges: several Member States expressed concerns as regards the impact of the proposed regulation on the autonomy and commercial freedom of ports. A broad majority of Member States is against the proposed right of the Commission to harmonise port infrastructure charges through delegated acts.

State aid: some Member States have pointed out that it is important to clarify the State aid regime in ports. Furthermore, the proposal should be read and re-evaluated in conjunction with the new concessions Directive

Finally, it should be noted that several Member States have referred to the draft report by the EP rapporteur as containing improvements of several aspects of the proposal.