

Provision of port services and financial transparency of ports

2013/0157(COD) - 15/02/2017 - Final act

PURPOSE: to establish a framework on market access to port services and financial transparency of ports.

LEGISLATIVE ACT: Regulation (EU) 2017/352 of the European Parliament and of the Council establishing a framework for the provision of port services and common rules on the financial transparency of ports.

CONTENT: this Regulation establishes a **framework for the provision of port services** and common rules on **financial transparency** and on port service and port infrastructure charges.

Scope: this Regulation applies to **all maritime ports of the trans-European transport network** (as listed in [Regulation \(EU\) No 1315/2013](#) of the European Parliament and of the Council) through which the overwhelming majority of Union maritime traffic transits.

Member States are given the possibility to decide whether or not to apply this Regulation to maritime ports of the comprehensive network located in the outermost regions.

As regards the different categories of port services, **cargo-handling and passenger services** will be subject to the rules of financial transparency, but shall be excluded from the provisions on the provision of port services.

Member States may also decide to apply the rules for access to **pilotage** services. In such cases, they shall inform the Commission accordingly. The accounts for **dredging** should be kept separate from those for other activities.

Access to port services: the Regulation will create a more level playing field by establishing clear and fair conditions for access to the port services market throughout Europe.

In order to take account of the diversity of the port sector in Europe and the particular circumstances of the Member States, Member States and port management bodies may: (i) impose certain minimum requirements for the provision of port services, (ii) limit the number of service providers in a limited number of cases, or (iii) impose public service obligations.

Minimum requirements concern:

- the professional qualifications of the provider of port services and their good repute;
- compliance with requirements on maritime safety or the safety and security of the port or access to it, its installations, equipment and workers and other persons;
- compliance with environmental requirements;
- compliance with obligations in the field of social and labour law that apply in the Member State of the port concerned.

The reasons to limit the number of providers of port services include:

- the scarcity or reserved use of land or waterside space;

- 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.

Public service obligations may concern, for instance:

- the safety, security or environmental sustainability;
- the provision of adequate transport services to the public.

Where the managing body of the port decides to limit the number of providers of a port service, it shall follow a selection procedure which shall be open to all interested parties, **non-discriminatory and transparent**.

Employees' rights: the managing body of the port shall require the designated provider of port services to grant staff working conditions **in accordance with applicable obligations in the field of social and labour law** and to comply with social standards as set out in Union law, national law or collective agreements.

Financial transparency: the Regulation ensures transparency of port services and port infrastructure charges. Financial relations between maritime ports in receipt of public funds and providers of port services, on the one hand, and public authorities, on the other hand, shall be made transparent.

When the managing body of a port receives public funds, it shall keep the accounts **separate** from those for its other activities.

Member States shall ensure that a **port infrastructure charge is levied**. The Regulation stipulates that port infrastructure charges may vary, in accordance with the port's own economic strategy and its spatial planning policy, in relation to, *inter alia*, certain categories of users.

The criteria for such a variation shall be **transparent, objective and non-discriminatory**, and shall be consistent with competition law, including rules on State aid.

Handling of complaints: each Member State shall ensure that an effective procedure is in place to handle complaints from its maritime ports covered by this Regulation.

ENTRY INTO FORCE: 23.3.2017.

The Regulation shall apply from 24.3.2019.