Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak

2020/0067(COD) - 29/04/2020 - Legislative proposal

PURPOSE: to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: the outbreak of COVID-19 is having a serious impact on maritime transport and on the financial sustainability of operators and is likely to continue to have an impact throughout 2020.

Regulation (EU) 2017/352

of the European Parliament and of the Council requires Member States to ensure that port infrastructure charges are levied by a managing body of a port or by a competent authority. There is no exception from this obligation to levy charges, not even in exceptional circumstances.

However, in view of the consequences of the COVID-19 outbreak, it is appropriate to allow Member States to provide the managing bodies of a port or the competent authorities with the possibility to waive, suspend, reduce or defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 December 2020.

CONTENT: the Commission therefore proposes to amend Regulation (EU) 2017/352 which establishes a framework for the provision of port services and common rules on the financial transparency of ports.

It is proposed that the new transitional provision shall provide Member States with the option to allow managing bodies of a port or competent authorities to decide whether to:

- waive (condone, i.e. not require the payment at all); or
- suspend (freeze or put on hold the payment for a certain time period); or
- reduce (decrease the payment); or
- defer (require the payment at a later point in time) the payment of the port infrastructure charges.

As the duration of the impact on maritime transport of the outbreak of COVID-19 is uncertain and in order to allow for sufficient flexibility for the sector, the new transitional provision shall apply to port infrastructure charges due for the period between 1 March 2020 and 31 December 2020.

This new provision also stipulates that the managing body of a port or the competent authority shall ensure that port users and the representatives or associations of port users are informed accordingly. The time limit of two months referred to in Regulation (EU) 2017/352 shall not apply.