Port services: market access and financing of maritime ports

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The Conciliation Committee reached agreement on the port services directive, with Parliament's delegation approving the compromise package by a very narrow vote. The main points of the agreement were as follows: - on the most controversial issue, it was agreed that self-handling would be allowed only in cases where shipping companies use their own sea-faring crew and their own equipment. They cannot therefore use their own land-based staff for this purpose. The agreement also states that a Member State may require self-handling to be subject to prior authorisation in accordance with criteria relating to employment and social aspects, professional qualifications and environmental considerations. National rules on training requirements, professional qualifications, employment and social matters will not be affected; - pilotage services will remain within the scope of the directive but the special importance of these services for the safety of maritime traffic and thus for environmental protection, especially in particularly sensitive regions, was emphasised. The competent authorities may recognise the "compulsory nature" of pilotage and prescribe such organisational rules for the service as they deem necessary for reasons of safety and of public service requirements. This may include limiting pilotage services to a single provider. In addition, Member States will be required to report to the Commission after 3 years on measures to improve the effectiveness of pilotage services; - in accordance with the subsidiarity principle, it is left to individual Member States to decide whether they will impose a compulsory limitation on authorisations to provide port services. However, the Member States must ensure that the competent authorities can require prior authorisation to provide port services; - the Council accepted Parliament's amendments on periods and conditions for authorisations and transitional arrangements. The competent authority will be obliged to vary or revoke an authorisation when the criteria for authorisation or a Member State's social legislation are no longer complied with; - Member States will introduce legislative arrangements whereby former service providers will be compensated "appropriately" if the period of validity of their authorisations is reduced as a result of the new directive. In the case of contracts concluded after the entry into force of the directive, former service providers can be compensated in accordance with national rules; - the objectives of the directive will be extended to include that of establishing "fair and transparent conditions of competition both in and between Community ports". To that end every port or port system and the port service providers are required to disclose to the Member States and the Commission the financial relations between themselves and public undertakings. The Commission and the Member States will use this information as a basis for any measures needed to ensure fair competition. The Commission will also be required to draw up, within one year of the directive's entry into force, common guidelines on state funding for ports.