Port services: market access and financing of maritime ports

2001/0047(COD) - 13/02/2001 - Legislative proposal

PURPOSE : to establish a Community legal framework ensuring, on the one hand, access to the port services market in application of the Treaty rules, whilst, on the other hand, allowing Member States and their competent authorities to fill in this framework with specific rules which take due account of the ports' geographic and other characteristics as well as of local, regional or national specificities.
CONTENT : the port service market covers services of a commerical value which are provided against payment to port users in a seaport and whose payment is not normally included in the charges collected for being allowed to call at or operate in a port. Although this service sector is essential for the functioning of the Community regulatory framework for port services. However, national port services regimes have to be in conformity with the freedoms guaranteed by the Treaty (freedom of establishment, free movement of workers, goods and services) as well as the Treaty's competition rules. Problems with the application of these rules, where they arose, have been dealt with by the Commission on a case by case basis. The liberalisation of the Community's internal maritime transport market took place over the last decade. In fact, transitional rules continue to allow restrictions in the Greek islands cabotage market. The situation in port services varies considerably. Therefore, it is necessary, in the interests of operators, authorities and consumers, to introduce specific and clear rules on access to the port services market which will take account of its unique features. Therefore, the overall aim of this proposal is to ensure a more systematic application of Treaty rules in the port sector. It introduces procedural rules guaranteeing that all service providers, actual and potential, have a fair chance of entering the port service market. This will in turn lead to improved port services and encourage better use of shipping as an alternative transport mode and of combined transport, both reducing the strain on Community's transport network. The Directive shall concern all coastal Member States. Although in recent years Member States have generally made considerable progress in ensuring free access to port services, there is presently a wide divergence of practice with regard to both the coverage of port services and the procedures followed to implement the Treaty rights. In order to ensure access to port services market and, in doing so, avoid distortion of competition, it is necessary to improve and harmonise, to the extent necessary, national rules, regulations and practices.