Port services: market access and financing of maritime ports

2001/0047(COD) - 15/04/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted at second reading 39 amendments to the Common Position of the Council. The Commission can accept 10 amendments in full, 3 in part and 4 in principle, subject to redrafting. It has nonetheless to reject 22 amendments in full and 3 in part. The amendments accepted by the Commission concern : - applying the provisions of the Commission's Transparency Directive to the ports to which the Ports' Directive applies and ensure their effective application; - establishing uniform durations for the authorisations granted in the case of new ports and for other ports. It is recalled that in the Common Position the durations for the authorisations vary. The Commission agrees with the Parliament that there is indeed no objective reason to allow different authorisations for new ports and for existing ones; - aligning the periodicity of the revision and notification of the list of the seasonal ports, which are excluded by the Directive, with the periodicity of the publication of other relevant lists of ports; - specifying the nature of certain movable assets and specifically enumerate them; - adding new text, which clarifies that, inter alia social protection rules should be cited among the issues which should be respected in the Directive's implementation; - adding new text, which clarifies that professional qualifications and environmental matters might be among the criteria to authorise self-handling; - making environmental protection and public service obligations in a port an integral part of the conditions under which port services may be provided, while respecting the Common Position's flexibility on the issue; - adding new text, which clarifies that national rules on training requirements and occupational qualifications should not be affected by the Directive's application; - clarifying that the rules on transitional periods apply to private ports as well. It is recalled that the Common Position already did not differentiate on the basis of port ownership, in view of Article 295 of the Treaty. Concerning the amendments accepted in principle, these amendments: - delete the clause of the Common Position, which allows the exemption of certain services to which art. 296 of the Treaty applies;. - clarify that when environmental requirements are criteria for the granting of authorisations, this means all levels, namely local, national and international; - delete the clause of the Common Position which foresees that if a port is not open to general commercial traffic, its operator can be allowed to provide technical and nautical services therein outside the rules of the Directive. The amendments rejected by the Commission refer to : - limiting the application of this Directive to self-handling by seafaring personnel; - turning the objective of the Directive, namely to allow self-handling whenever possible, into the exact opposite, namely to attach as many obstacles to it as possible; - limiting the benefit of self-handling to EU vessels, restrictsthe scope of self-handling; - taking pilotage outside the scope of the Directive.