Port services: market access and financing of maritime ports

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The committee adopted by a very narrow majority the report by Georg JARZEMBOWSKI (EPP-ED, D) amending the proposal under the codecision procedure (1st reading). The committee wanted to give Member States the possibility of limiting market access if necessary to guarantee not only maritime safety (as specified in the proposal) but also economic efficiency. It also deleted the provision in the proposal stipulating that, where there were constraints on available space or capacity, the port authority would authorise at least two service providers. Another amendment sought to broaden the scope of the directive to include waterways providing access to a port, although this should be at the discretion of the Member State. The scope of the annex relating to cargo handling should be extended to include loading and unloading. The committee also said that, as pilotage was an obligatory public service, it should continue to be supervised by the Member States and hence excluded from the scope of the directive. With regard to selection procedures, the committee pointed out that not only tendering but also other equivalent award procedures could be used. Member States should also have the right to include their own specific rules in the specifications for the tendering of a service contract. Where a new provider was chosen, it should compensate its predecessors at the current market rate for the value of the immovable assets that it inherited. Other points raised by the report included the need to ensure that Member States whose social legislation offered workers greater protection could continue to apply those provisions. Compliance with employment legislation should be included among the criteria to be fulfilled by applicant service providers. The committee also said that deciding on limitations and the selection of port service providers in cases where the managing body of a port was itself a competing service provider could best be solved on a case-by-case basis by national anti-trust organisations. Lastly, it wanted Member States to be allowed to restrict self-handling to port users whose vessels fly the flag of a Member State.