Port services: market access and financing of maritime ports

2001/0047(COD) - 18/02/2003

The committee adopted the report by Georg JARZEMBOSWKI (EPP-ED, D) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated, wholly or in part, a number of amendments adopted by Parliament at 1st reading, as follows: - a new provision should be added stipulating that one of the objectives of the Directive should also be to "create fair and transparent conditions of competition between Community seaports and in these ports themselves"; - to attain this new objective, the transparency of financial relations within seaports and port systems should be established: ports and port systems should therefore be required to provide the relevant data to the Member States and the Commission, thereby enabling the latter to "draw the conclusions inherent under Community law" to establish conditions for fair competition. The Commission should, moreover, report to Council and Parliament on the transparency of financial relations within 3 years of the directive's entry into force, provide common guidelines on state aid for ports and commission an independent financial study in this connection; - port pilotage services should be left in the hands of individual Member States and hence completely excluded from the directive, on the grounds that this would provide the best guarantees for safety and environmental protection in vulnerable regions; - in order to prevent economic and social dumping in ports, the committee wanted self-handling to be restricted to seafaring crew members only rather than allowing an undertaking the possibility of using "regular land-based personnel", as provided for in the common position. It also wanted Member States to be allowed to restrict self-handling to port users whose vessels fly the flag of a Member State; - compensatory payments made by newly authorised service providers to former service providers should be based not on national rules, which could vary widely, but on uniform criteria. The committee therefore stipulated that compensation should correspond to the "fair market value" of the former service provider's port undertaking and to the current market value of the immovable assets and the comparable capital movable assets. The committee also amended parts of the common position where the Council had introduced new provisions regarding authorisations. It wanted the conditions for the application of differing durations of authorisation to be formulated more precisely and also stipulated that authorisations derived from ownership should be regulated in the same way as authorisations derived from leases or similar arrangements (the common position provides for the former to be treated more restrictively).