## Basic information

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|---|---|
| **2004/0240(COD)**<br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive | Procedure lapsed or withdrawn |
| Port services: market access and financing of maritime ports<br>**Subject**<br>3.20.09 Ports policy | |

## Key players

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|---|---|---|---|
| Council of the European Union | **Council configuration** | **Meetings** | **Date** |
| | Transport, Telecommunications and Energy | 2721 | 2006-03-27 |
| | Transport, Telecommunications and Energy | 2629 | 2004-12-09 |
| European Commission | **Commission DG** | **Commissioner** | |
| | Energy and Transport | | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 13/10/2004 | Legislative proposal published | COM(2004)0654 | Summary |
| 01/12/2004 | Committee referral announced in Parliament, 1st reading | | |
| 09/12/2004 | Debate in Council | | |
| 22/11/2005 | Vote in committee, 1st reading | | Summary |
| 16/12/2005 | Committee report tabled for plenary, 1st reading | A6-0410/2005 | |
| 17/01/2006 | Debate in Parliament | | Summary |
| 18/01/2006 | Results of vote in Parliament | | |
| 18/01/2006 | Decision by Parliament | | |
| 17/03/2006 | Additional information | | Summary |

## Technical information

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|---|---|
| **Procedure reference** | 2004/0240(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |

| | |
|---|---|
| **Legislative instrument** | Directive |
| **Legal basis** | EC Treaty (after Amsterdam) EC 080-p2 |
| **Stage reached in procedure** | Procedure lapsed or withdrawn |
| **Committee dossier** | TRAN/6/24421 |

**Documentation gateway**

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee opinion | IMCO | PE360.110 | 16/09/2005 | |
| Committee opinion | EMPL | PE350.120 | 19/09/2005 | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0410/2005 | 16/12/2005 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2004)0654 | 13/10/2004 | Summary |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| CofR | Committee of the Regions: opinion | CDR0485/2004<br>OJ C 231 20.09.2005, p. 0038-0045 | 13/04/2004 | |
| EESC | Economic and Social Committee: opinion, report | CES0848/2005<br>OJ C 294 25.11.2005, p. 0025-0032 | 13/07/2005 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

# Port services: market access and financing of maritime ports

2004/0240(COD) - 13/10/2004 - Legislative proposal

PURPOSE : to provide new provisions on market access to port services.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : in its capacity as the sole holder of the power of initiative, the Commission is presenting a new proposal for a Directive on market access to port services. Liberalisation of the transport sector across the EU's 25 Member States has been a key objective of the EU and its Member States since the adoption of the Lisbon Agenda in 2000. Ports - and their potential to help ease the burden of passenger and freight road transport - remain

one of the last transport sectors still in need of uniform regulatory initiatives instigated at an EU level. Unlike other transport sectors, port services cannot benefit from a level playing field determined at an EU level. The failure of the previous round of legislative initiatives for the liberalisation of port services has left a number of problems unresolved. For example, some fifty years after the creation of the Community, there is still no specific Community regulatory framework for port services. Thus, where problems do occur, they have to be dealt with on a case-by-case basis. The enlargement of the EU to 25 Member States, 20 of which operate ports, gives an added sense of urgency to offer port operators a uniform set of regulatory provisions in which to operate. Two main issues are addressed in the proposed Directive. Firstly, intra-port competition and secondly, inter-port competition. Intra-port issues relate to pilotage, towage and mooring, all cargo handling operations and passenger services, space and capacity constraints, port exits, specific maritime safety, security and environmental consideration. On the matter of inter-port competition the Commission proposes that the EU's financial transparency Directive should apply to all the ports covered by the proposed Directive. Further, the Commission's State Aid Guidelines should apply to the financing of port infrastructure.

As far as the key philosophy, principles and objectives of the proposal are concerned, the Commission states that it wishes to retain those of its 2001 proposals on access to port services. However, constructive changes have also been included in the new proposal, which take on board the numerous amendments brought forward by the European Parliament, the Council and interested parties. The following points remain the same:

- The scope of the Directive and the threshold for the ports covered and port services concerned.

- Member States remain responsible for law and order, safety and security and environmental protection.

- Granting of authorisations must remain transparent and non-discriminatory.

- Reasons given for limiting the number of service providers for one or more port services must be objective. The highest number of service providers must be allowed to operate.

- Competent authorities deciding on limitations must be neutral.

- Pilotage has been included in the Directive's scope. It is defined as a key commercial service. At the same time, however, the Directive takes account of the unique public service role pilotage can play. Thus, the adoption of port specific solutions to the nature of pilotage is to be allowed.

- Port management must provide transparent accounting.

The following elements are new to the proposal:

- As a general rule, self-handling for cargo and passenger operations may be provided using land-based personnel of the self-handler.

- Ships providing an authorised regular shipping services, such as short sea shipping or operating motorways of the sea, may carry out self-handling by using the ship's regular sea-fearing crew.

- Authorisation for service providers will become mandatory.

- The duration of authorisations will be linked to the investment made by the service providers.