

Council of the European Union

SGS16/08711

06 OCT. 2016

Brussels, 5 October 2016

**Mr Michael Cramer**

Chairman, European Parliament Committee on Transport and Tourism  
60, rue Wiertz  
1047 BRUSSELS

**Subject: Proposal for a Regulation of the European Parliament and of the Council establishing a framework on market access to port services and financial transparency of ports (First reading) (2013/0157/COD)**

Dear Mr Cramer,

Following the informal meeting between the representatives of the three institutions, a draft overall compromise package was agreed today by the Permanent Representatives Committee.

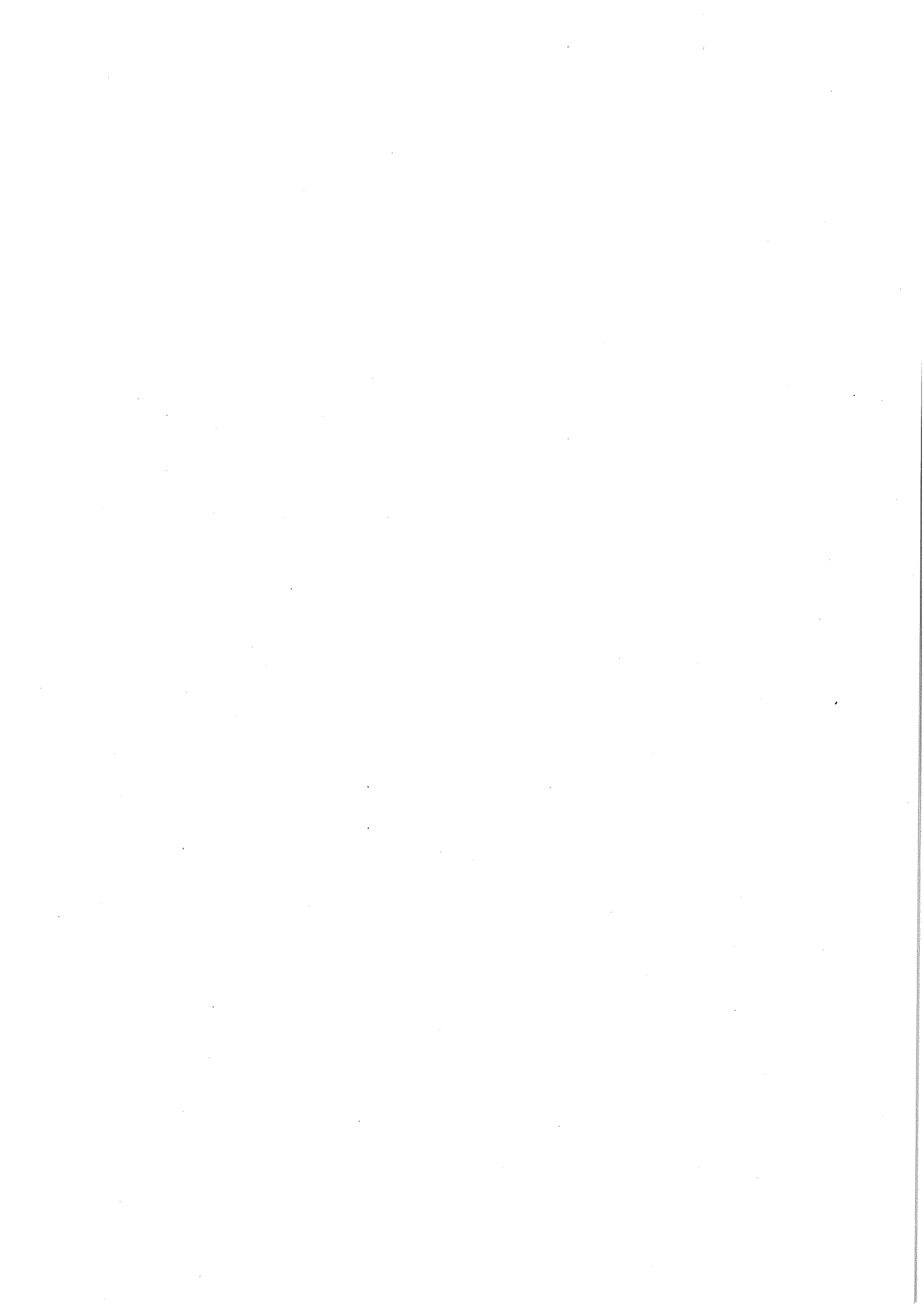
I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the compromise package contained in the Annex to this letter (subject to revision by the legal linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council I also wish to thank you for your close cooperation which should enable us to reach agreement on this dossier at first reading.

Yours sincerely,

**Alexander MICOVČIN**  
Chairman of the Permanent Representatives  
Committee (Part 1)

copy to: Mr Knut Fleckenstein, EP Rapporteur  
Ms Violeta Bulc, Commissioner



REGULATION (EU)..../....  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

*of ...*

**establishing a framework for the provision of port services and financial transparency of ports**



THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100 (2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

---

<sup>1</sup> OJ C 327, 12.11.2013, p. 111.

<sup>2</sup> OJ C 114, 15.4.2014, p. 57.

<sup>3</sup> *Position of the European Parliament of ... [(OJ ...)] [(not yet published in the Official Journal)] and decision of the Council of ... .*

Whereas:

- (1) The full integration of ports in seamless logistic and transport chains is needed to contribute to growth and a more efficient use and functioning of the trans-European transport network and the internal market. This requires modern port services contributing to an efficient use of ports and a climate favourable to investments to develop ports in line with current and future transport and logistics requirements.
- (2) ***Ports contribute to the long-term competitiveness of European industries in world markets while adding value and jobs in all Union coastal regions. In order to address the challenges facing the maritime transport sector, and improve the efficiency and the sustainability of the transport and logistics chain, it is essential that the actions set out in the Commission's communication entitled 'Ports: an engine for growth' on administrative simplification be implemented in tandem with this Regulation.***
- (3) In the Communication on the Single Market Act II Together for new growth<sup>1</sup>, the Commission has recalled that the attractiveness of maritime transport is dependent on the availability, efficiency and reliability of port services and the necessity of addressing questions regarding the transparency of public funding and port charges, administrative simplification efforts in ports and reviewing restrictions on the provision of services at ports.

- (4) Facilitating access to the port services market ■ and introducing ■ financial transparency and autonomy of *maritime ports* will improve the quality and efficiency of service provided to *port* users ■ and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.
- (5) *Simplification of customs procedures can create significant economic advantages for maritime ports in terms of competitiveness. In order to promote fair competition and to reduce customs formalities, it is important that the competent authorities of the Member States adopt a proper and effective risk-based approach. In this context, it is necessary that the Commission consider the need for appropriate measures to reduce reporting formalities in maritime ports and to tackle unfair competition.*
- (6) *The establishment of a clear framework of transparent, fair and non-discriminatory provisions relating to funding and charging of port infrastructures and port services plays a fundamental role in ensuring that individual ports' commercial strategy and investment plans and, where relevant, the general national port policy framework fully comply with competition rules. In particular, the transparency of financial relations will allow a fair and effective control of State aid, hence preventing market distortion. To that end, the Council conclusions of 5 June 2014 called upon the Commission to explore State aid guidelines for maritime ports, with the aim of ensuring fair competition and a stable legal framework for port investment.*

- (7) The overwhelming majority of Union maritime traffic transits through the *maritime ports* of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other ports, this Regulation should apply to the *maritime* ports of the trans-European transport network, each of which *plays* a significant role for the European transport system either because it handles more than 0.1% of the total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas **■**. *However, this Regulation should give Member States the possibility to decide whether or not to apply this Regulation to maritime ports of the comprehensive trans-European transport network located in the outermost regions. Member States should also have the possibility of introducing derogations in order to avoid disproportionate administrative burdens for those maritime ports of the comprehensive trans-European transport network the annual freight traffic of which does not justify the full application of this Regulation.*
- (8) *Deep sea pilotage services* do not have a direct impact on the efficiency of **■** ports as they are not used for the direct entry and exit of **■** ports and therefore do not need to be included in this Regulation.
- (9) *This Regulation should in no way prejudice the rules in Member States governing the system of property ownership with regard to maritime ports, and should allow for different port structures in Member States.*

- (10) *This Regulation does not impose a specific model for the management of maritime ports and does not affect in any way the competence of Member States to provide, in conformity with Union law, non-economic services of general interest. Different port management models are possible, provided that the framework for the provision of port services and the common rules on financial transparency set out in this Regulation are respected.*
- (11) *In line with the general principles set out in the Treaties, providers of port services should be free to provide their services in maritime ports covered by this Regulation. However, it should be possible to subject that freedom to certain conditions.*
- (12) *This Regulation should not limit the managing body of the port, or the competent authority, in setting up its charging system, as long as port infrastructure charges paid by the operators of waterborne vessels or cargo owners are transparent, in particular easily identifiable, non-discriminatory and contribute to the maintenance and development of infrastructure and service facilities and the provision of services that are needed to perform or facilitate transport operations within the port area and on the waterways giving access to those ports that fall within the legal competence of the managing body of the port.*

- (13) In the interest of efficient, safe and environmentally sound port management, the managing body of the port *or the competent authority* should be able to require that **█** providers of *port services* can demonstrate that they meet minimum requirements to perform the service in an appropriate way. *Those* minimum requirements should be limited to a clearly defined set of conditions *in so far as those* requirements are transparent, *objective*, non-discriminatory, *proportionate*, and relevant for the provision of the port service. *The minimum requirements should contribute to a high quality of port services and not introduce market barriers, in line with the general objectives of this Regulation.*
- (14) *It is important that all providers of port services, on the request of the managing body of the port, can demonstrate their ability to serve a minimum number of vessels, making available necessary staff and equipment. They should apply the relevant provisions and rules, including applicable labour law and relevant collective agreements and the quality requirements of the port concerned.*
- (15) *In deciding whether a port service provider satisfies the requirements of good repute, the competent authority, or the managing body of the port, should consider whether there are any compelling grounds to doubt the reliability of the provider of port services, such as convictions or penalties for serious criminal offences, or serious infringements of applicable Union and national law.*



- (16) *Member States should be able to require compliance with obligations in the field of social and labour law for the operation of port services in the port concerned.*
- (17) *Member States should inform the Commission prior to any decision to impose a flag requirement for vessels predominantly used for towage and mooring operations. Such a decision should be non-discriminatory, based on transparent and objective grounds and should not introduce disproportionate market barriers.*
- (18) The procedure to grant ■ the right to provide port services when compliance with minimum requirements is required should be transparent, objective ■, non-discriminatory *and proportionate* and should allow the providers of port services to start the provision of their port services in a timely manner.
- (19) Since ports are constituted of limited geographical areas, *the number of providers of port services* could, in certain cases, be subject to limitations relating to the scarcity of land or *waterside space, the characteristics of the port infrastructure or the nature of the port traffic, or the need to ensure safe, secure or environmentally sustainable port operations.*
- (20) *Any limitation to the number of providers of port services should be justified by clear and objective reasons and not introduce disproportionate market barriers.*

- (21) *The managing body of the port, or the competent authority, should publish its intention to conduct a selection procedure for the provision of a port service, including on the internet and, where appropriate, in the Official Journal of the European Union, containing information on the selection procedure, the deadline for the submission of tenders, the relevant award criteria and information on how the relevant documents necessary to prepare an application can be accessed.*
- (22) *In order to ensure transparency and equal treatment, amendments to the provisions of a contract during its term should be considered to constitute a new award of a contract when they render the contract materially different in character from the original contract and, therefore, such as to demonstrate the intention of the parties to renegotiate the essential terms of that contract.*
- (23) *This Regulation should be without prejudice to the right of Member States to impose public service obligations related to port services.*
- (24) *The Union has a wide variety of maritime ports with different models for the organisation of port services. Accordingly, imposing a single model would not be appropriate. The managing body of the port, or the competent authority, should be able to limit the number of providers of a given port service, where justified for one or more reasons.*

- (25) *Article 34 of Directive 2014/25/EU of the European Parliament and of the Council<sup>4</sup> provides that certain contracts to be carried out shall not be subject to that Directive if the Member State or the contracting entities can demonstrate that, in the Member State in which it is performed, the activity is directly exposed to competition on markets to which access is not restricted. The process for establishing whether this is the case should be that set out in Article 35 of Directive 2014/25/EU. Consequently, if it is established through this procedure that a port sector or subsector, together with its port services is directly exposed to such competition, it should not be subject to the rules framing the market access limitations under this Regulation.*
- (26) *Except where a competitive market derogation applies, any intention to limit the number of providers of port services should be published in advance by the managing body of the port or the competent authority and should be fully justified, in order to give the interested parties the opportunity to comment.*
- (27) *If a managing body of a port or a competent authority provides port services itself or through a legally distinct entity which it directly or indirectly controls after, measures should be taken to avoid conflicts of interest and to ensure a fair and transparent market access to port services when the number of providers of port services is limited. Such measures can be, inter alia, entrusting the adoption of the decision limiting the number of providers of port services to a relevant national authority which is independent from the managing body of the port or the competent authority.*

---

<sup>4</sup> *Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).*

- (28) *The possibility left to impose minimum requirements and limit the number of providers of port services should not prevent Member States from ensuring an unrestricted freedom to provide services in their ports.*
- (29) *The procedure to choose providers of port services and its result should be made public and [ ] should be non-discriminatory, transparent and open to all interested parties.*
- [ ]
- (30) *The recourse to public service obligations leading to a limitation in the number of providers of [ ] port services should only be justified for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long [ ], the affordability of the port service to a certain category of users, the safety, security or environmental sustainability of port operations and territorial cohesion.*
- (31) *While public service obligations are defined and designated by national authorities, a general obligation set by national or European legislation for a port to accept any vessel physically capable of entering and mooring without discrimination or hindrance should not be understood to be a public service obligation for the purposes of this Regulation.*
- [ ]

- (32) This Regulation does not preclude the possibility of competent authorities to grant compensation for the accomplishment of the public service obligations provided that it complies with the applicable State aid rules. Where public service obligations qualify as *services of general economic interest*, compliance should be ensured with Commission Decision of 20 *December* 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest<sup>5</sup>, Commission Regulation (EU) No 360/2012<sup>6</sup> and the European Union framework for State aid in the form of public service compensation<sup>7</sup>.
- (33) *Where there are multiple providers of port services, the managing body of the port or the competent authority* should not discriminate between providers of port services, in particular in favour of an undertaking or *a* body in which it holds an interest.

---

<sup>5</sup> OJ L 7, 11.1.2012, p. 3.

<sup>6</sup> *Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest* (OJ L 114, 26.4.2012, p. 8).

<sup>7</sup> OJ C 8, 11.1.2012, p. 15.

- (34) *A managing body of a port or a competent authority should have the choice to decide to provide port services **itself** or to entrust **█** the provision of such services directly to an internal operator. **█** When a limitation of the number of providers of port services exists, the provision of port services by the internal operators should be confined only to the port or ports for which those internal operators were designated, **except where a competitive market derogation applies.***
- (35) Member States should retain the power to ensure an adequate level of social protection for the staff of *undertakings* providing port services. This Regulation *should* not affect the application of the social and labour rules of the Member States. *It is appropriate to clarify that in cases where Council Directive 2001/23/EC<sup>8</sup> does not apply, where the conclusion of a port service contract entails a change of port service provider, the managing body of the port, or the competent authority, should nevertheless be able to require that the rights and obligations of the outgoing provider of port services arising from a contract of employment, or from an employment relationship, existing on the date of that change are transferred to the newly appointed port service provider.*
- (36) *Whenever measures provided for in this Regulation entail the processing of personal data, such processing should be carried out in accordance with Union law on the protection of personal data, in particular Regulation (EU) No 2016/679 of the European Parliament and of the Council<sup>9</sup>.*

---

<sup>8</sup> *Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82, 22.3.2001, p. 16).*

<sup>9</sup> *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).*

- (37) *In a complex and competitive sector such as port services, initial and periodic training of staff is essential to ensure the quality of services and to protect the health and safety of port workers. Member States should ensure that providers of port services provide adequate training to their employees.*
- (38) In many ports, the market access for providers of cargo- handling and terminal passenger services is granted by means of public *contracts*. *The* Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding these contracts. *Therefore, while Chapter II of this Regulation does not apply to the provision of cargo-handling and passenger services, Member States should remain free to decide to apply the rules of Chapter II to those two services or to keep their existing national legislation on market access with regard to cargo handling and passenger services while respecting the main principles in the case-law of the Court of Justice of the European Union.*

- (39) *According to Resolution A.960 of the International Maritime Organization (IMO), each pilotage area needs highly specialised experience and local knowledge on the part of the pilot. Moreover, pilotage is generally mandatory and often organised or provided by the Member States themselves. Furthermore, Directive 2009/16/EC on port State control entrusts a role to pilots in reporting to competent authorities apparent anomalies which may prejudice the safe navigation of the waterborne vessel, or which may pose a threat or harm the marine environment. In addition, where safety conditions allow it, it is important that all Member States encourage the use of Pilot Exemption Certificates, or equivalent mechanisms, in order to improve efficiency in ports, in particular to stimulate short sea shipping. In order to avoid potential conflicts of interests between such public interest functions and commercial considerations, Chapter II of this Regulation does not apply to pilotage. However, Member States should remain free to decide to apply Chapter II to pilotage. If they decide to do so, the Commission should be informed accordingly, in order to ensure the distribution of relevant information.*
- (40) *Without prejudice to Union competition rules, this Regulation should not interfere with the right of Member States, where applicable, to regulate charges in order to avoid overcharging of port services, in cases where the situation of the market of port services is such, that effective competition cannot be achieved.*



- (41) Financial relations between *maritime ports in receipt of* public funds and providers of port services on the one hand, and public authorities on the other should be made transparent in order to ensure a level playing field and to avoid market distortions. In this respect, this Regulation extends to other categories of addressees the principles of transparency of financial relations as set out in Commission Directive 2006/111/EC<sup>10</sup> *without prejudice to the scope of that Directive.*
- (42) *Rules on the transparency of financial relations need to be introduced in this Regulation to prevent unfair competition between ports in the Union, in particular since ports in the trans-European transport network are eligible to apply for Union funding through the Connecting Europe Facility.*
- (43) It is necessary to impose on the managing body of the port *in receipt of* public funds, when it is also acting as a service provider, an obligation to keep separate accounts for *publicly funded* activities carried out in *its* capacity as managing body of the port from those carried out on a competitive basis in order to ensure a level playing field, transparency in the allocation and use of public funds and to avoid market distortions. In any case, compliance with ■ State aid rules should be ensured.

---

<sup>10</sup> *Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (OJ L 318, 17.11.2006, p.17).*

- (44) *With a view to ensuring transparency, when a port or another entity provides dredging within a port area, the accounts of dredging should be kept separate from the accounts of other activities.*
- (45) *Without prejudice to Union law and Commission's prerogatives, it is important that the Commission identify, in a timely manner and in consultation with all interested parties, which public investments in port infrastructure fall within the scope of Commission Regulation (EU) No 651/2014 (General Block Exemption Regulation)<sup>11</sup>, and which infrastructures do not fall under the scope of State aid, taking into consideration the non-economic nature of certain infrastructures, including access and defence infrastructure, provided they are accessible to all potential users on equal and non-discriminatory terms.*
- (46) *Port service charges applied by providers of port services under public service obligations and the charges for those pilotage services, which are not exposed to effective competition, may entail a higher risk of price abuse in cases where monopoly power exists. For those services, ■ arrangements should be established to ensure that the charges ■ are set in a transparent, objective and non-discriminatory way and shall be proportionate to the cost of the service provided.*

---

<sup>11</sup> *Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).*

- (47) In order to be efficient, the port infrastructure charges of each individual port should be set in a transparent ■ way in accordance with that port's own commercial and investment strategy *and, where relevant, the general requirements within the framework of the general ports policy of the Member State concerned.*
- (48) *This Regulation should not interfere with the rights, where applicable, of the ports and their customers to agree commercially confidential discounts. This Regulation is not intended to require the disclosure to the public or to third parties of any such discounts. However, the managing body of the port or the competent authority should at least publish standard charges before any price differentiation.*
- (49) The variation of port infrastructure charges should be allowed in order to promote short sea shipping and to attract waterborne vessels *which have* an environmental performance or energy and carbon efficiency of ■ transport operations, notably the off-shore or on-shore maritime transport operations, that is better than average. This should help to contribute to the *achievement of* environmental and climate change *policy goals* and the sustainable development of the port and its surroundings notably by contributing to *the reduction of* the environmental footprint of the waterborne vessels calling and staying in the port.

- (50) *The variation of port infrastructure charges may result in rates being set at zero for certain categories of users, depending on the economic strategy of the port, port spatial planning policy or port commercial practices and, where relevant, the general ports policy of the Member State concerned. Such categories of users could include, among others, hospital ships, vessels in scientific, cultural or humanitarian missions, tugs and floating service equipment of the port.*
- (51) *The Commission, in cooperation with Member States, should elaborate guidance on common classification criteria for vessels for the purpose of voluntary environmental charging, taking into account internationally agreed standards.*
- (52) *It should be ensured that port users and other stakeholders are consulted on essential issues related to the sound development of the port, its charging policy, its performance and its capacity to attract and generate economic activities such as the coordination of port services within the port area and the efficiency of the connections with the hinterland and of the administrative procedures in ports as well as environmental issues. This is without prejudice to any other specific competence on the aforesaid issues, as well as to the possibility for Member States to hold such consultations also at a national level. The managing body of the port should in particular consult port users and other relevant stakeholders regarding port development plans.*
- (53) In order to ensure the proper and effective application of this Regulation, ■ every Member State *should ensure that an effective mechanism is in place to handle complaints.*

(54) *Member States' authorities should cooperate when handling complaints in disputes involving parties established in different Member States and exchange general information on the handling of complaints in order to facilitate a uniform application of this Regulation.*

(55) Since the objectives of this Regulation, namely ensuring *a framework for the provision* of port services and the appropriate framework to attract necessary investments in all the *maritime* ports of the trans-European transport network, cannot be sufficiently achieved by the Member States because of the European dimension, international and cross-border nature of port and related maritime business and can therefore, by reason of the need for a European level playing -field, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

- (56) *The EU Sectoral Social Dialogue Committee for Ports provides the social partners with a framework to develop a joint approach towards social challenges related to port labour relations, including working conditions, health and safety questions, training requirements and professional qualifications, in particular in the light of market-based and technological developments, and enhancing the attractiveness of the sector to young workers and female workers, considering the importance of safeguarding the competitiveness of European maritime ports and promoting good working conditions. In full respect of the autonomy of the social partners, the EU Sectoral Social Dialogue for Ports is invited to develop guidelines on the development of training requirements to prevent accidents in the workplace and to ensure the highest level of health and safety for port workers, taking into account technological progress and advances in transport logistics. Social partners should also explore different models for the organisation of maritime port labour that secure quality jobs and safe working conditions and that address fluctuations in the demand for port work. It is important that the Commission support and facilitate the work of the EU Sectoral Social Dialogue Committee for Ports.*
- (57) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### Subject matter, scope and definitions

#### Article 1

##### Subject matter and scope

1. This Regulation establishes:
  - (a) a framework for the *provision* of port services;
  - (b) common rules on financial transparency and *on port service and port infrastructure* charges .
  
2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the *port*:
  - (a) bunkering;
  - (b) cargo handling;
  - █
  - (c) mooring;
  - (d) passenger services;

- (e) *collection of ship-generated waste and cargo residues;*
- (f) pilotage; and
- (g) towage.

3. *Article 11(2) shall also apply to dredging.*

4. This Regulation shall apply to all *maritime ports* of the trans-European transport network, as *listed* in Annex *II* of Regulation (EU) No 1315/2013 of the European Parliament and of the Council<sup>12</sup>.

5. *Member States may decide not to apply this Regulation to maritime ports of the comprehensive trans-European transport network located in the outermost regions as referred to in Article 349 TFEU. When Member States decide not to apply this Regulation to such maritime ports, they shall notify that decision to the Commission.*

6. Member States may also apply this Regulation to other *maritime ports*. When Member States decide to apply this Regulation to other *maritime ports* they shall notify their *decision* to the Commission.

7. *This Regulation is without prejudice to Directive 2014/23/EU of the European Parliament and of the Council<sup>13</sup>, Directive 2014/24/EU of the European Parliament and of the Council<sup>14</sup> and Directive 2014/25/EU.*

---

<sup>12</sup> *Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).*

<sup>13</sup> *Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).*

<sup>14</sup> *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3/2014, p. 65).*



Article 2  
Definitions

For the *purposes* of this Regulation:

- (1) "bunkering" means the provision of solid, liquid or gaseous fuel or any other energy source used for the propulsion of the waterborne vessel as well as for general and specific energy provision on board of the waterborne vessel whilst at berth;
- (2) "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore, be it for import, export or transit of the cargo, including the processing, *lashing, unlashng, stowing*, transporting and temporary storage of the cargo on the relevant cargo handling terminal and directly related to the transporting of the cargo, but excluding *unless the Member State determines otherwise*, warehousing, stripping, repackaging or any other value added services related to the handled cargo;
- (3) *"competent authority" means any public or private body which, on behalf of a local, regional or national level, is entitled to carry out under national law or instruments activities related to the organisation and administration of port activities, in conjunction with or alternatively to the managing body of the port;*

- (4) "dredging" means the removal of sand, sediment or other substances from the bottom of the waterway access to *the port, or within the port area that falls into the legal competence of the managing body of the port, including the disposal of the removed materials*, in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible, *whilst not being a port service offered to the user*;
- (5) "managing body of the port" means any public or private body which, whether or not in conjunction with other activities, has as its objective under national law or instruments, *or is empowered by such law or instruments, to carry out, at a local level*, the administration and management of the port **■** *infrastructure and one or more of the following tasks in the port concerned: the coordination of port traffic, the management of port traffic, the coordination of the activities of the operators present in the port concerned, and/or* the control of the activities of the operators present in the port concerned;
- (6) "mooring" means the berthing and un-berthing services, *including shifting along the quayside*, required for *the safe operation of* a waterborne vessel **■** in the port or in the *waterway* access to the port;

- (7) "passenger services" means the organisation and handling of passengers, *their luggage and their private vehicles* between the carrying waterborne vessel and the shore and also includes the processing of personal data and transporting the passengers inside the relevant passenger terminal;
- (8) "pilotage" means the guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for a safe entry or exit of the *waterborne* vessel in the *waterway* access to the port *or safe navigation within the port*;
- (9) "port infrastructure charge" means a *charge levied* for the direct or indirect benefit of the managing body of the port, *or the competent authority*, for the use of *infrastructure*, facilities and services **■**, including the waterways giving access to those ports, as well as access to the processing of passengers and cargo, *but excluding land lease rates and charges having equivalent effect*;
- (10) "*collection of ship-generated waste and cargo residues*" means the receipt into any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues as defined in Directive 2000/59/EC of the European Parliament and of the Council<sup>15</sup>;
- (11) "port service charge" means a *charge levied* for the benefit of the provider of port services and paid by the users of the relevant service;

---

<sup>15</sup> *Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues* (OJ L 332, 28.12.2000, p. 81 **■**).

- (12) "port service contract" means a formal and legally binding agreement *or act of equivalent effect* between a provider of port *services and a managing body of the port*, or a competent authority, *having as its subject-matter the provision of one or more port services as defined in Article 1(2)*, without prejudice to the form of *designating* providers of port services;
- (13) "provider of port services" means any natural or legal person providing, or wishing to provide, for remuneration, one or more categories of port services listed in Article 1(2);
- (14) "public service obligation" means a requirement defined or determined in order to ensure the provision of those port services *or activities of* general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions;
- (15) "short sea shipping " means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe;
- (16) "*maritime port*" means an area of land and water made up of such *infrastructure* and equipment so as to permit, principally, the reception of *waterborne vessels*, their loading and unloading, the storage of goods, the receipt and delivery of *those* goods and the embarkation and disembarkation of passengers, *crew and other persons* and any other infrastructure necessary for transport operators within the port area;

- (17) "towage" means the assistance to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port *or safe navigation within the port* by providing assistance to the manoeuvring of the waterborne vessel;
- (18) "waterway access to a port" means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords, *if such waterway falls into the legal competence of the managing body of the port.*

## CHAPTER II

### *Provision of port services*

#### Article 3

#### *Organisation of port services*

1. *Access to the market for the provision of port services in maritime ports may, in accordance with this Regulation, be subject to:*
- (a) *minimum requirements for the provision of port services;*
  - (b) *limitations of the number of providers;*
  - (c) *public service obligations;*
  - (d) *restrictions related to internal operators.*

2. *Member States may decide in national law not to impose any of the conditions referred to in paragraph 1 to one or more categories of port services.*
3. *The terms of access to facilities, installations and equipment of the port shall be fair, reasonable and non-discriminatory.*

#### Article 4

##### Minimum requirements for the provision of port services

1. The managing body of the port, *or the competent authority*, may require ■ providers of port services, *including subcontractors*, to comply with minimum requirements to perform the corresponding port service.
2. The minimum requirements provided for in paragraph 1 may only relate ■ to:
  - (a) the professional qualifications of the ■ provider *of port services*, its personnel or the natural persons who effectively and continuously are managing the activities of the ■ provider *of port services*;
  - (b) *the financial capacity of the provider of port services*;
  - (c) the equipment needed to provide the relevant port service in normal and safe conditions and the capacity to maintain this equipment at the *required* level;

- (d) the availability of the port service to all users, at all berths and without interruptions day and night, throughout the year;***
- (e) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment, workers and other persons;***
- (f) the compliance with local, national, Union and international environmental requirements;***
- (g) the compliance with obligations in the field of social and labour law that apply in the Member State of the port concerned, including the terms of applicable collective agreements, manning requirements and requirements relating to hours of work and hours of rest of seafarers and applicable rules on labour inspections;***
- (h) the good repute of the port service provider, as determined in accordance with any applicable national law on good repute, taking into consideration any compelling grounds to doubt the reliability of the provider of port services;***
- (i) the availability of the port service to all users;***
- (j) the availability of the service without interruption during the day, the night, the week and the year.***

3. *Without prejudice to paragraph 4, where a Member State deems it necessary to impose a flag requirement in order to ensure full compliance with the provisions of paragraph 2(g) for waterborne vessels predominantly used for towage or mooring operations in ports located on its territory, it shall inform the Commission of its decision prior to the publication of the contract notice or, in the absence of a contract notice, prior to imposing a flag requirement.*
4. The minimum requirements shall:
  - (a) be transparent, *objective*, non-discriminatory, *proportionate*, and relevant to the category and nature of *the port service* concerned;
  - (b) *be complied with until the right to provide a port service expires.*
5. Where the minimum requirements include specific █ knowledge *of* local conditions, the managing body of the port, *or the competent authority*, shall ensure that adequate access to *information* exists, under transparent and non-discriminatory conditions █ .
6. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port *or by the competent authority within ...\** *or, in the case of* minimum requirements being applicable after that date, at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.
7. *The application of this Article is without prejudice to the provisions of Article 7.*

---

\* *OJ: Please insert date: 24 months after the date of entry into force of this Regulation.*



## Article 5

### Procedure to ensure compliance with the minimum requirements

1. The managing body of the port *or the competent authority* shall treat providers of port services ■ in a transparent, *objective, non-discriminatory and proportionate* manner.
2. The managing body of the port *or the competent authority* shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within *a reasonable time, and in any event not exceeding four months*, from receiving a request for the granting of such a right *and the necessary documents*.
3. Any refusal, *by the managing body of the port, or the competent authority*, shall be duly justified on the basis of *the minimum requirements set out in Article 4(2)*.
4. *Any limitation or termination, by the managing body of the port, or the competent authority, of the right to provide a port service shall be duly justified and* in accordance with paragraph 1.

## Article 6

### Limitations of the number of providers of port services

1. ***The managing body of the port, or the competent authority, may limit the number of providers of port services for a given port service for one or more of the following reasons:***
  - (a) ***the scarcity or reserved use of land or waterside space provided that the limitation is in accordance with the decisions or plans as agreed by the managing body of the port and where appropriate any other public competent authorities according to the national legislation;***
  - (b) ***the absence of limitation obstructs the performance of public service obligations as provided for in Article 7, including when such absence leads to excessively high costs related to the performance of such obligations for the managing body of the port, the competent authority, or the port users;***
  - (c) ***the absence of limitation obstructs the need to ensure safe, secure or environmentally sustainable port operations;***
  - (d) ***the characteristics of the port infrastructure or the nature of the port traffic do not permit operations of multiple providers of port services in the port;***
  - (e) ***where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or sub-sector, together with its port services, within a Member State carries out an activity directly exposed to competition in accordance with Article 34 of that Directive. In such case, paragraphs 2 and 3 of this Article shall not apply.***

2. The managing body of the port *or the competent authority* shall publish any proposal to apply paragraph 1 at least *three* months in advance together with the grounds justifying it, giving any interested party the opportunity to comment within a reasonable period.
3. The managing body of the port *or the competent authority* shall publish the adopted decision.
4. *Any limitation in the number of providers of a port service shall follow a selection procedure that is open to all interested parties, non-discriminatory and transparent. The managing body of the port, or the competent authority, shall publish information on the port service to be provided and the selection procedure and shall ensure that all essential information that is necessary for the preparation of their applications is effectively accessible to all interested parties. The submission deadline shall be long enough to allow interested parties to make a meaningful assessment and prepare their application, under normal circumstances the minimum limit shall be 30 days.*
5. *Paragraph 4 shall not apply in the cases referred to in paragraphs 1(e) and 7 of this Article and in Article 8.*
6. When a managing body of a port *or a competent authority* provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State *shall take necessary measures to avoid conflicts of interest. In the absence of such measures*, the number of providers shall not be less than two, *unless any of the reasons listed in paragraph 1 justifies a limitation to a single provider.*
7. *Member States may decide that their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 may limit the number of service providers for a given port service. They shall inform the Commission thereof.*

## Article 7

### Public service obligations

1. Member States may decide to impose public service obligations related to port services on providers *and may entrust the right to impose such obligations to the managing body of the port, or a competent authority*, in order to ensure *at least one of* the following:
  - (a) the availability of the *port service to all port users, at all berths*, without interruption **█**, day *and* night, *throughout* the year;
  - (b) the availability of the service to all users *on equal terms*;
  - (c) the affordability of the service for certain categories of users;
  - (d) *the safety, security or environmental sustainability of port operations*;
  - (e) *the provision of adequate transport services to the public and territorial cohesion*.
2. The obligations referred to in paragraph 1 shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access to all **█** providers of port services *established in the Union*.

3. If a *Member State* decides to impose public service obligations, *for the same service*, in all *its maritime ports* covered by this Regulation **■**, it shall notify *those* obligations to the Commission.
4. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the *managing body of the port, or the* competent authority, may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to *two years*. During that time period, the *managing body of the port, or the* competent authority, shall either launch a new procedure to select a provider of port services or shall apply Article 8. *Collective industrial action taking place in accordance with national law shall not be considered a disruption of port services for which an emergency measure may be taken.*

#### Article 8

##### Internal operator

1. *Without prejudice to Article 6(6), the managing body of the port, or the* competent authority may decide to provide a port service *itself, or through* a legally distinct entity over which it exercises a control similar to that exercised over its own departments, *provided that Article 4 applies equally to all operators providing the service concerned. In such cases*, the port service provider shall be considered as an internal operator for the purpose of this Regulation.

2. *The managing body of the port or the competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the legal entity concerned.*
3. *In the cases provided for in Article 6(1), with the exception of point (e), the internal operator shall be confined to perform the assigned port service only in the port or ports for which the assignment to provide the port service has been attributed to him.*

## Article 9

### Safeguarding of employees' rights

1. This Regulation shall not affect the application of the social and labour rules of the Member States.
2. Without prejudice to national and Union law, including *applicable* collective agreements between social partners, the managing *body* of the port, *or the competent authority, shall* require the designated provider of port services *to grant staff working conditions in accordance with applicable obligations in the field of social and labour law and to comply with social standards as set out in Union law, national law, or collective agreements.*

3. *In the case of a change of provider of port services that is due to the award of a concession or public contract, the managing body of the port, or the competent authority, may require that the rights and obligations of the outgoing provider of port services arising from a contract of employment, or from an employment relationship as defined in national law, and existing on the date of that change, are transferred to the newly appointed provider of port services. In such case, the staff previously taken on by the outgoing provider of port services shall be granted the same rights as those to which they would have been entitled if there had been a transfer of undertaking within the meaning of Directive 2001/23/EC.*
  
4. *When, in the context of the provision of port services covered by this Regulation, a transfer of staff occurs, tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.*

Article 10

*Exemptions*

1. This Chapter and the transitional provisions of Article 21 shall not apply to cargo handling, passenger services *and pilotage*.
2. *Member States may decide to apply this Chapter and the transitional provisions of Article 21 to pilotage. Member States shall inform the Commission thereof.*

CHAPTER III

Financial transparency and autonomy

Article 11

Transparency of financial relations

1. The financial relations between public authorities and a managing body of *a port, or other entity that provides port services on its behalf, in receipt of* public funds shall be reflected in a transparent way in the *accounting system* in order to clearly show the following:
  - (a) public funds made available directly by public authorities to the managing bodies of the port concerned;
  - (b) public funds made available by public authorities through the intermediary of public undertakings or public financial institutions; and
  - (c) the use which these public funds have been attributed for.



2. Where the managing body of a port *in receipt of* public funds provides port services *or dredging* itself, *or another entity provides such services on its behalf*, it shall keep the accounts of *that publicly funded* port service *or dredging*, separate from the accounts of its other activities, in such a way that :
  - (a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and
  - (b) the cost accounting principles according to which separate accounts are maintained are clearly established.
3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities ■ or any other form of public financial support.
4. The managing body of the port, *or other entity that provides port services on its behalf*, shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 ■ for five years from the end of the fiscal year to which the information refers.

5. The managing body of the port, *or other entity that provides port services on its behalf, shall, in the event of a formal complaint and upon request, make available to the relevant authority in the Member State concerned the information referred to in paragraphs 1 and 2 and any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation in line with competition rules. Such information shall be made available to the Commission by the relevant authority upon request.* The information shall be transmitted within *three* months from the date of the request.
6. *The managing body of the port, or other entity that provides port services on its behalf, that has not received public funds in previous accounting years but which start benefitting from public funds shall apply paragraphs 1 and 2 from the accounting year following the transfer of the public funds.*
7. Where public funds are paid as a compensation for a public service obligation, they shall be shown separately in the relevant accounts and may not be transferred to any other service or business activity.
8. *Member States may decide that paragraph 2 of this Article shall not apply to their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, provided that any public funds received, and their use for providing port services, remain fully transparent in the accounting system. In such case, the Member States shall inform the Commission thereof in advance.*

## Article 12

### Port service charges

1. The charges for the services provided by an internal operator *under a public service obligation, the charges for pilotage services that are not exposed to effective competition* and the charges levied by providers of port *services, referred to in point (b) of Article 6(1)*, shall be set in a transparent, *objective*, and non-discriminatory way ■ and shall *be proportionate* to the *cost* of the service provided.
2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, the provider of port *services* and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.
3. The *provider of port services shall, in the event of a formal complaint and upon request, make available to the relevant authority in the Member State concerned any relevant information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1.* ■

## Article 13

### Port infrastructure charges

1. ***Member States*** shall ***ensure that*** a port infrastructure charge ***is levied***. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.
2. The payment of the port infrastructure charges may be integrated in other payments, such as the payment of the port service charges. In this case, the managing body of the port shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.
3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be ***determined*** according to ***the individual port's*** commercial strategy and investment ***plans and shall comply with competition rules***.  
***Where relevant, such charges shall also respect the general requirements set within the framework of the general ports policy of the Member State concerned.***

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with *the port's economic strategy and the port's spatial planning policy, related inter alia to certain categories of users*, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria ■ for such a variation shall be ■ transparent, *objective* and non-discriminatory and *shall be consistent with competition law, including rules on State aid. Port infrastructure charges may take into account external costs and may vary in accordance with commercial practices.*
5. The managing body of the port, *or the competent authority*, shall *ensure that* port users and the representatives or associations of port users *are informed* about the *nature and level* of the port infrastructure charges. *The managing body of the port, or the competent authority, shall ensure that* users of the port *infrastructure are informed* of any changes in the *nature and level* of the port infrastructure ■ charges at least *two* months in advance. *The managing body of the port, or the competent authority, shall not be required to disclose differentiations in the charges that are the result of individual negotiations.*
6. The managing body of the port shall, *in the event of a formal complaint and upon request*, make available to the *relevant authority in the Member State concerned* the information referred to in *paragraphs 4 and 5 and any relevant information on the elements* serving as a basis to determine the structure and the level of the port infrastructure charges ■ . *Such information shall be made available to the Commission by the national authority upon request.*

## CHAPTER IV

### General and final provisions

#### *Article 14*

##### *Training of staff*

*Providers of port services shall ensure that employees receive the necessary training to acquire the knowledge which is essential for their work, with specific attention for health and safety aspects, and that training requirements are regularly updated to meet the challenges of technological innovation.*

#### Article 15

##### *Consultation of port users and other stakeholders*

- 1. The managing body of the port shall, in accordance with any applicable national law, consult port users on its charging policy, including in cases covered by Article 8. Such consultation shall include substantial changes to the port infrastructure charges and port service charges in case of internal operators providing port services under public service obligations.*

2. The managing body of the port shall, *in accordance with any applicable national law*, consult *port users and other relevant stakeholders on essential matters within its competence regarding*:
  - (a) the coordination of port services within the port area;
  - (b) measures to improve connections *within* the hinterland, *including* measures to develop and improve the efficiency of rail and inland waterways *transport*;
  - (c) the efficiency of administrative procedures in *the* port and measures to simplify them;
  - (d) *environmental matters*;
  - (e) *spatial planning*; and
  - (f) *measures to ensure safety in the port area, including, where appropriate, health and safety of port workers*.
3. *The providers of port services shall make available to port users adequate information about the nature and level of the port service charges.*
4. *The managing body of the port and providers of port services shall respect the confidentiality of commercially sensitive information when carrying out their obligations under this Article.*

## Article 16

### *Handling of complaints*

1. Member States shall ensure that an *effective mechanism is in place to handle complaints arising from* the application of this Regulation *for* all the *maritime ports* covered by this Regulation on the territory of each Member State.
2. *The handling of complaints shall be carried out in a manner which excludes conflicts of interest and which is functionally independent of any managing body of the port or providers of port services. Member States shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly respect the right to freely conduct business.*
3. *Complaints shall be filed in* the Member State of the port where the dispute is presumed to have its origin *. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including an indication of the authorities responsible for the handling of complaints.*
4. *The authorities responsible for handling complaints shall, where appropriate, cooperate for the purposes of mutual assistance in disputes involving parties established in different Member States.*



5. *The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to require managing bodies of the ports, providers of port services and port users to provide information relevant to a complaint.*
6. *The authorities responsible for the handling of complaints shall in accordance with national law have the power to take decisions that have binding effect, subject to judicial review, where applicable.*
7. *Member States shall inform the Commission about the mechanism for the handling of complaints and shall indicate the authorities referred to in paragraph 3 by ...\* at the latest and subsequently any modification thereof. The Commission shall publish and update such information on its website.*
8. *Member States shall, where appropriate, exchange general information about the application of this Article. The Commission shall support such cooperation.*

---

\* *OJ: Please insert date: 24 months after the date of entry into force of this Regulation.*

## *Article 17*

### *Relevant authorities*

*Member States shall ensure that port users and other relevant stakeholders are informed of the relevant authorities referred to in Articles 11(5), 12(3) and 13(6). Member States shall also inform the Commission of these authorities by ...\* at the latest and subsequently any modification thereof. The Commission shall publish and regularly update such information on its website.*

## Article 18

### Appeals

1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the **█** managing body of the port, *the competent authority, or any other relevant national authority. Appeal bodies shall be independent of the parties involved and may be a court.*
2. Where the appeal body referred in paragraph 1 is not judicial in character, it shall give reasons in writing for its decisions. Its decisions shall also be subject to review by a national court.

---

\* *OJ: Please insert date: 24 months after the date of entry into force of this Regulation.*

## Article 19

### Penalties

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by █ ...\* at the latest and shall notify it without delay of any subsequent amendment affecting them.



## Article 20

### Report

No later than █ ...\*\*, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of this Regulation █ .

*The report shall take into account any progress made in the framework of the EU-level Sectoral Social Dialogue Committee for Ports.*

---

\* *OJ: Please insert date: 24 months after the date of entry into force of this Regulation.*

\*\* *OJ: Please insert date: 72 months after the date of entry into force of this Regulation.*

## Article 21

### Transitional measures

1. ***This Regulation shall not apply to port service contracts concluded before ...\* and which are limited in time.***
2. ***Port service contracts concluded before ...\* which are not limited in time, or have similar effects, shall be aligned to this Regulation by 1 July 2025.***

## Article 22

### Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply with effect from ...\*\*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at *Strasbourg*,

*For the European Parliament*

*The President*

*For the Council*

*The President*

---

\* ***OJ: Please insert date: date of adoption of this Regulation.***

\*\* ***OJ: Please insert date: 24 months after the date of entry into force of this Regulation.***

07-10-2016  
INSPECTED BY SECURITY  
BRUSSELS

RECEIVED  
EP - BRUSSELS  
- 7. 10. 2016

Mr Michael CRAHER  
Chairman, European Parliament Committee  
on Transport and Tourism

60, rue Wiertz  
1047 Brussels



European Union  
European Parliament  
Brussels, Belgium

