

Market access to port services

To improve commercial efficiency and increase the financial transparency of the major EU seaports, the European Commission proposed a new regulation in 2013. Following agreement with the Council in trilogue the new regulation is now to be voted in plenary in December. In contrast to previous, rejected proposals on ports, this one will not affect Member States' social and employment rules.

Background

The EU's approximately 1 200 seaports are fundamental to its economy, enabling the transit of some 74 % of imports and exports of cargo and 37 % of EU [trade](#). In addition to being crucial both for the EU's transport sector and for competitiveness, ports also [employ](#) more than 3 million people and have the potential to create further jobs and attract investors. Over 90 % of all freight and passengers passing through EU ports transits through the [329](#) seaports within the trans-European transport network ([TEN-T](#)), targeted by the proposal.

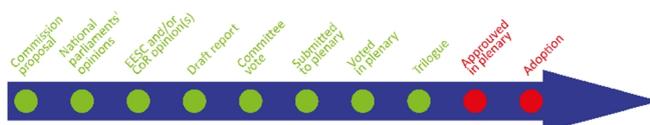
Previous Commission attempts to modernise port services (in [2001](#) and [2004](#)) provoked controversy, mainly due to their social and labour market aspects, and were rejected by the European Parliament. In [2007](#), the Commission addressed the port sector challenges with horizontal and soft measures. In 2013, concluding that this approach had had 'little or no impact', it presented a new [communication](#) and a [proposal for a regulation](#).

The liberalisation of EU port services

Trilogue negotiations reached a provisional agreement in [June 2016](#) and remaining technical issues were settled on [26 September 2016](#). The final text, [approved](#) by the TRAN Committee, will be presented to the December plenary. The Commission proposed to introduce new rules for financial transparency of ports, and to open six port services to market, while exempting from market access cargo-handling and passenger services, which many ports secure through public [concession contracts](#). The co-legislators have reduced the proposal's scope, and market access will now concern only four services (refuelling, waste collection, berthing and towing operations). Port-management bodies will be able restrict the number of service-providers on grounds of limited waterside space or public service obligations, and to impose minimum requirements on them. Port authorities can set port infrastructure charges, but, on demand, will have to provide information on the use of public funds to the national and EU monitoring authorities. Other rules concern consultations of port users (on the level of port charges) and port stakeholders (on the coordination of port services, hinterland connections and administrative procedures), independent monitoring and supervision.

Position of the European Parliament

On [8 March 2016](#), the EP voted on the amendments in the [report](#) of the Committee on Transport and Tourism (rapporteur: Knut Fleckenstein, S&D, Germany). Its amendments would maintain the existing port management models established in the Member States and extend the list of minimum requirements for performing port services. It asked that the regulation does not apply to the maintenance of port access paths (dredging) and that the market access provisions do not apply to pilotage. It also specified public service obligations and approved the financial transparency rules. Furthermore, MEPs called on the Commission to clarify in writing what types of public investments in port infrastructure do not constitute [state aid](#), a question of vital importance to [ports](#). The Commission [plans](#) to address the issue in the 2017 review of the General Block Exemption Regulation ([GBER](#)).



Further details on the proposal and on the legislative process can be found in the EPRS 'EU Legislation in progress' [briefing](#).

