



2013/0157(COD)

7.9.2015

AMENDMENTS

21 - 181

Draft opinion

Rina Ronja Kari

(PE560.809v01-00)

on the 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

Proposal for a regulation

(COM(2013)0296 – C8-0144/2013 – 2013/0157(COD))

Amendment 21

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

—

Proposal for a rejection

***The European Parliament rejects the
Commission proposal***

Or. en

Justification

This Regulation clearly fails to meet its own objectives of ensuring a more sustainable and interconnected transport network, the modernisation of port services and an appropriate framework to attract investments in ports as well as to create quality jobs, and additionally does not comply with other relevant better regulation principles such as being supported by appropriate and up to date impact assessment on social and employment matters. It should therefore be rejected.

Amendment 22

Rina Ronja Kari

Proposal for a regulation

Title 1

Text proposed by the Commission

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

establishing a framework on market access
to port services and financial transparency
of ports

Amendment

DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

establishing a framework on market access
to port services and financial transparency
of ports

*(This amendment applies throughout the
text. Adopting it will necessitate
corresponding changes throughout.)*

Or. en

Amendment 23

Karima Delli

on behalf of the Verts/ALE Group

Rina Ronja Kari

Proposal for a regulation

Title 1

Text proposed by the Commission

**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

establishing a framework on market access
to port services and financial transparency
of ports

Amendment

**DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

establishing a framework on market access
to port services and financial transparency
of ports

Or. en

Justification

Due to the disparity between ports in Europe and the working conditions applicable to port workers, providing some flexibility in the application of this law would be appropriate and therefore a directive appears more appropriate than a regulation. No legislation - not even a Directive - would of course be the best option, also considering the 'better regulation' efforts currently underway. This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout

Amendment 24

Lucy Anderson, Siôn Simon

Proposal for a regulation

Title 1

Text proposed by the Commission

**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

establishing a framework on *market access
to port services and financial
transparency of* ports

Amendment

**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

establishing a framework on ports

Or. en

Amendment 25

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 1

Text proposed by the Commission

(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.

Amendment

(1) Modern port services should contribute to an efficient use of ports, a climate favourable to develop ports and create jobs in line with current and future transport and logistics requirements and decent working conditions. A legal framework for financial transparency should create a basis for enhanced cross-border cooperation and coordination between ports.

Or. en

Amendment 26

Rina Ronja Kari

Proposal for a regulation

Recital 1

Text proposed by the Commission

(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.

Amendment

(1) Modern port services should contribute to an efficient use and functioning of ports and a climate favourable to develop ports and create quality jobs in line with current and future transport and logistics requirements.

Or. en

Amendment 27
Brando Benifei, Joachim Schuster

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) ***Facilitating access to the port services market at Union level and*** introducing the financial transparency and autonomy of seaports will improve the quality and efficiency of service provided to users of the port 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.

Amendment

(3) Introducing the financial transparency and autonomy of seaports will improve the quality and efficiency of service provided to users of the port 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.

Or. en

Justification

Market access is no longer the subject of this Regulation

Amendment 28
Lucy Anderson, Siôn Simon

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) ***The overwhelming majority*** of Union maritime traffic transits through the seaports 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 ports*** of the ***trans-European transport network, each of which playing a significant role for the European transport system either because it handles***

Amendment

(4) ***A significant proportion*** of Union maritime traffic transits through the ***core*** seaports of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way ***and in recognition of the extra support for those ports through Union measures and funding, this Regulation should apply only to the core ports*** of the ***trans-European network. Future consideration may be given to its extension subject to***

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, without prejudice, however, to the possibility of Member States deciding to apply this Regulation to other ports as well. Pilotage services performed in the deep sea do not have a direct impact on the efficiency of the ports as they are not used for the direct entry and exit of the ports and therefore do not need to be included in this Regulation.

appropriate consultation and impact assessment.

Or. en

Amendment 29

Brando Benifei, Joachim Schuster

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) The objective of Article 56 of the Treaty on the Functioning of the European Union is to eliminate restrictions on freedom to provide services in the Union. In accordance with Article 58 of the Treaty on the Functioning of the European Union should be achieved within the framework of the provisions of the Title relating to transport, more specifically Article 100 (2).

deleted

Or. en

Justification

Market access is no longer the subject of this Regulation

Amendment 30

Brando Benifei, Joachim Schuster, Elena Gentile

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The self-provision of service which entails shipping companies or providers of port services to employ staff of their own choice and to provide themselves port services is regulated in a number of Member States for safety or social reasons. The stakeholders consulted by the Commission when preparing its proposal highlighted that imposing a generalised allowance of the self-provision of service at Union level would require additional rules on safety and social issues in order to avoid possible negative impacts in these areas. It appears therefore appropriate at this stage not to regulate this issue at Union level and to leave it to the Member States to regulate the self-provision of port services or not. Therefore, this Regulation should only cover the provision of port services for remuneration.

deleted

Or. en

Justification

As market access is no longer the subject of this Regulation, this recital becomes obsolete.

Amendment 31
Rina Ronja Kari

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum

requirements to perform the service in an appropriate way. These minimum requirements should ***be limited to*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***and*** the equipment required ***insofar as*** these requirements ***are transparent, non-discriminatory, objective and relevant for the provision*** of the port service.

requirements to perform the service in an appropriate way. These minimum requirements should ***provide*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, the equipment required ***in order to provide the specific port service in compliance with maritime safety requirements and environmental requirements***. These requirements ***should take into account relevant social and labour standards as well as the good repute*** of the port service ***provider with regards to the respect of social and labour rights as well as applicable collective bargaining agreements***.

Or. en

Amendment 32
Lucy Anderson, Siôn Simon

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should ***be limited to*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***and*** the equipment required ***insofar as*** these requirements ***are transparent, non-discriminatory, objective and relevant for the provision of the port service***.

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should ***include*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***protection of social and employment conditions***, the equipment required, ***maritime safety standards and environmental requirements***. These ***minimum requirements should serve only to improve the situation in a given port and do not constitute grounds for a reduction in***

standards.

Or. en

Justification

To reflect the amended wording in Article 6

Amendment 33

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should ***be limited to*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***and the equipment required insofar as*** these requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should ***serve to deliver*** a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***the equipment needed in order to safely provide the relevant port service and compliance with maritime safety requirements.*** These conditions should ***take into account social and employment standards applicable at the concerned port as well as environmental requirements.***

Or. en

Amendment 34

Brando Benifei, Joachim Schuster, Jutta Steinruck, Elena Gentile

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, ***including in terms of training, and the equipment required insofar as*** these requirements ***are transparent, non-discriminatory, objective and relevant for the provision*** of the port service.

Amendment

(7) In the interest of efficient, safe and environmentally ***and socially*** sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, ***the equipment needed in order to provide the relevant port service, and compliance with maritime safety requirements***. These ***minimum*** requirements ***should also take into account environmental requirements as well as national social standards, compliance with the provisions on health and safety that apply to the port concerned and the good repute*** of the port service ***provider***.

Or. en

Amendment 35
Verónica Lope Fontagné

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, and the equipment required insofar as these

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, ***as well as the qualifications required to carry out***

requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

work safely and those relating to accident prevention and the equipment required insofar as these requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

Or. es

Amendment 36

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) Each service provider, and especially one that is a new market entrant, should demonstrate its ability to serve a minimum number of vessels with its own staff and equipment. The service provider should apply the relevant provisions and rules including applicable labour laws, applicable collective agreements, and quality requirements of the port concerned.

Or. en

Justification

Service providers should not systematically rely on subcontracting, therefore they should employ the staff and have the necessary equipment.

Amendment 37

Tomáš Zdechovský

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Having the necessary equipment at his

(8) Having the necessary equipment at his

disposal should imply that the provider of the port service owns, rents or leases it and that in any case it has a direct and **indisputable** control of the equipment, in order to ensure that it can use such equipment whenever needed.

disposal should imply that the provider of the port service owns, rents or leases it and that in any case it has a direct and **beyond doubt** control of the equipment, in order to ensure that it can use such equipment whenever needed.

Or. en

Amendment 38

Aldo Patriciello

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Having the necessary equipment at his disposal should imply that the provider of the port service owns, rents or leases it and that in any case it has a direct and indisputable control of the equipment, in order to ensure that it can use such equipment whenever needed.

Amendment

(8) Having the necessary equipment at his disposal should imply that the provider of the port service owns, rents or leases it and that in any case it has a direct and indisputable control of the equipment, in order to ensure that it can use such equipment whenever needed, **and that it is directly responsible for its maintenance.**

Or. it

Amendment 39

Aldo Patriciello

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The procedure to grant with the right to provide port services when compliance with minimum requirements is required should be transparent, objective and non-discriminatory and should allow the providers of port services to start the provision of their port services in a timely manner.

Amendment

(9) The procedure to grant with the right to provide port services when compliance with minimum requirements is required should be transparent (**and can be easily and quickly checked by third parties**), objective and non-discriminatory and should allow the providers of port services to start the provision of their port services in a timely manner.

Amendment 40
Lucy Anderson, Siôn Simon

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) Since ports are constituted of limited geographical areas, access to the market could, in certain cases, be subject to limitations relating to the scarcity of land or in case the land is reserved for certain type of activities in accordance with a formal development plan which plans in a transparent way the land use and with relevant national legislation such as those related to town and country planning objectives.

deleted

Or. en

Justification

The limitation of port service providers may occur for reasons other than geographical ones.

Amendment 41
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

*(10) Since ports are constituted of limited geographical areas, access to the market could, in certain cases, be subject to limitations **relating to the scarcity of land or in case the land is reserved for certain type of activities in accordance with a formal development plan which plans in a transparent way the land use and with***

(10) Since ports are constituted of limited geographical areas, access to the market could, in certain cases, be subject to limitations.

relevant national legislation such as those related to town and country planning objectives.

Or. en

Amendment 42

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Any intention to limit the number of port service providers should be published *in advance* by the competent authority and should be *fully* justified, in order to give the interested parties the opportunity to comment. The criteria for any limitation should be objective, transparent and non-discriminatory.

Amendment

(11) Any intention to limit the number of port service providers should be published by the competent authority and should be *timely* justified, in order to give the interested parties the opportunity to comment. The criteria for any limitation should be objective, transparent and non-discriminatory.

Or. en

Amendment 43

Lucy Anderson, Siôn Simon

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Any intention to limit the number of port service providers should be published in advance by the competent authority *and should be fully justified*, in order to give the interested parties the opportunity to comment. The criteria for any limitation should be objective, transparent and non-discriminatory.

Amendment

(11) Any intention to limit the number of port service providers, *and a justification for that limitation*, should be published in advance by the *Member State*, competent authority *or managing body of the port that intends to apply that limitation*, in order to give the interested parties the opportunity to comment. The criteria for any limitation should be objective, transparent and non-discriminatory.

Justification

Depending on the circumstances, it may be the Member State, competent authority or managing body of the port that applies a limitation.

Amendment 44**Karima Delli**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 13***Text proposed by the Commission**Amendment*

(13) The selection procedure for providers of port service in the case the number of those providers is limited should follow the principles and approach determined in Directive .../... [concession]⁷, including the threshold and method for determining the value of the contracts as well as the definition of substantial modifications and the elements related to the duration of the contract.

deleted

⁷ *Proposal for a Directive on the award of concession contracts (COM 2011) 897 final*

Amendment 45**Lucy Anderson, Siôn Simon****Proposal for a regulation****Recital 14***Text proposed by the Commission**Amendment*

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service

(14) The recourse to public service obligations by Member States or competent authorities, for those port

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 or the affordability of the port service to certain category of users.

services classified as being of general interest, shall take place in accordance with principles and requirements of EU law.

Or. en

Justification

The use of limitations in order to fulfil PSOs may be necessary for reasons other than those suggested by the Recital.

Amendment 46

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service 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 or the affordability of the port service to certain category of users.*

Amendment

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service should *always* be justified for reasons of public interest.

Or. en

Amendment 47

Rina Ronja Kari

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The recourse to public service

Amendment

(14) The recourse to public service

obligations leading to a limitation in the number of providers of a port service 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 **or** the affordability of the port service to certain category of users.

obligations leading to a limitation in the number of providers of a port service should be justified for reasons of public interest in order to ensure **inter alia** 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 certain category of users, **environmentally sustainable port operations or safe and secure port operations**.

Or. en

Amendment 48

Brando Benifei, Joachim Schuster, Jutta Steinruck, Elena Gentile

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service 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 or the affordability of the port service to certain category of users.

Amendment

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service 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 or the affordability of the port service to certain category of users, **or safe, secure and environmentally and socially sustainable port operations**.

Or. en

Amendment 49

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) This Regulation does not preclude the

Amendment

(16) 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 SGEI compliance should be ensured with Commission Decision of 20 November 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 interest⁸, 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 interest⁹ and the European Union framework for State aid in the form of public service compensation¹⁰.*

¹⁰ OJ C 8, 11.01.2012.

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.

¹⁰ OJ C 8, 11.01.2012.

Or. en

Amendment 50

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The managing body of the port should not discriminate between providers of port services, *in particular in favour of an undertaking or body in which it holds an interest.*

Amendment

(17) The managing body of the port should not discriminate between providers of port services.

Or. en

Amendment 51
Rina Ronja Kari

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The managing body of the port should not discriminate between providers of port services, *in particular in favour of an undertaking or body in which it holds an interest.*

Amendment

(17) The managing body of the port should not discriminate between providers of port services.

Or. en

Amendment 52
Lucy Anderson, Siôn Simon

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The *competent authorities designated in a Member State* should have the choice to decide to provide port services with public service obligations themselves or to entrust directly the provision of such services directly to an internal operator. In the case that a competent authority decides to provide the service itself, this may cover the provision of services through agents employed by the competent authority or commissioned by the competent authority. When such limitation is applied in all the TEN-T ports in the territory of a Member State, the Commission should be informed. In *the cases where the competent authorities in a Member State prevail on such a choice*, 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. *Moreover, in such cases*, the port service

Amendment

(18) The *Member State or competent authority* should have the choice to decide to provide port services with public service obligations themselves or to entrust directly the provision of such services directly to an internal operator. In the case that a *Member State or* competent authority decides to provide the service itself, this may cover the provision of services through agents employed by the competent *public* authority or commissioned by the competent authority. When such limitation is applied in all the TEN-T ports in the territory of a Member State, the Commission should be informed. In *such* cases, 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 *and* the port service charges applied by such an operator should be subject to

charges applied by such an operator should be subject to supervision by the independent supervisory body.

supervision by the independent supervisory body.

Or. en

Justification

Depending on national circumstances, it may be the Member State or competent authority that provides port services with public service obligations.

Amendment 53 **Lucy Anderson**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States. ***In cases of limitation of the number of port service providers***, where the conclusion of a port service contract may entail a change of port service operator, ***it should be possible for the competent authorities to ask*** the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States ***and shall take into account Article 28 of the Charter of Fundamental Rights of the European Union***. ***In cases*** where the conclusion of a port service contract may entail a change of port service operator, ***Member States or competent public authorities should require*** the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Justification

As well as in cases of limitation of providers, the laws on the safeguarding of employees' rights may be applied in changes of contract for other reasons.

Amendment 54 **Rina Ronja Kari**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, ***it should be possible for the competent authorities to ask*** the chosen service operator ***to apply*** the provisions of Council Directive 2001/23/EC 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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States ***and it shall take into account Article 28 of the Charter of Fundamental Rights of the European Union***. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, the competent ***authority shall ensure that*** the chosen service operator ***applies*** the provisions of Council Directive 2001/23/EC 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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 55 **Jutta Steinruck**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, ***it should be possible for the competent authorities to*** ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹ .

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States ***and should take into account Article 28 of the Charter of Fundamental Rights of the European Union***. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, ***Member States should*** ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹ .

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 56
Brando Benifei

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States ***and should take into account Article 28 of the Charter of Fundamental Rights of the European Union***. In cases of limitation of

of port service operator, it should be possible for the *competent authorities* to ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹ .

¹¹ OJ L 82, 22.3.2001, p. 16.

the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, it should be possible for the *Member States* to ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC 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 businesses¹¹ .

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Justification

The right of collective bargaining and action should be fully respected by this Regulation. The application of Council Directive 2001/23/EC should be compulsory.

Amendment 57

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This **Regulation** shall not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, it should be **possible** for the competent authorities to ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the

Amendment

(19) Member States should **under all circumstances** retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This **Directive** shall not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, it should be **an obligation** for the competent authorities to ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC on 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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

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 businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 58

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In a highly complex and dangerous sector such as port services, training of new recruits as well as lifelong training of staff are essential for ensuring the concerned workers' health and safety, as well as the quality of services. Adequate training should be a right for every worker entering the port sector. The EU-level Sectoral Social Dialogue Committee for Ports should be tasked to develop guidelines for the establishment of training requirements to ensure a high quality of education and training of dockworkers, to minimise the risk of accidents and to meet future skill requirements.

Or. en

Justification

Given the high risk of accidents in ports and the technological developments affecting the sector, it is necessary to ensure the importance of adequate training for all employees in the port service sector, in order to prevent the concerned workers' health and safety at work.

Amendment 59
Brando Benifei, Joachim Schuster, Jutta Steinruck, Elena Gentile

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In a highly complex and dangerous sector such as port services, training of new recruits as well as lifelong training of staff are essential for ensuring workers' health and safety, as well as the quality of services. Adequate training should be a right for every worker entering the port sector. The EU-level Sectoral Social Dialogue Committee for Ports should be able to develop guidelines for the establishment of training requirements to ensure a high quality of education and training of workers, to minimise the risk of accidents and to meet future skill requirements.

Or. en

Justification

Given the high risk of accidents in ports, it is necessary to emphasize the importance of adequate training for all employees in the port service sector.

Amendment 60
Rina Ronja Kari

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The port service sector is highly dangerous therefore adequate and continuous training of all employees is essential to ensure workers' health and safety as well as the quality of modern port services. Adequate training should be a right for every worker. The EU-level

Sectorial Social Dialogue should be able to develop guidelines for the creation of minimum training requirements to ensure a high quality of training of workers in order to minimise the risk of accidents and to adapt to future skill requirements.

Or. en

Amendment 61

Ulla Tørnæs

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Port labour relations largely influence the efficient functioning of ports. The European Sectoral Social Dialogue Committee for the ports sector (SSDC) ensures a framework for social partners to establish results regarding work organisation and working conditions, such as health and safety, training and qualifications, attractiveness of the sector to all workers regardless of age and gender. The Commission should facilitate and monitor these negotiations.

Or. en

Amendment 62

Brando Benifei, Joachim Schuster, Jutta Steinruck

Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) Developments in the maritime industry, such as the increasing size of vessels and overcapacity, aggravate the already fluctuating demand for labour. In many ports this has resulted in an

increase of casual work arrangements, which led to precarious and unsocial working conditions. The Member States, together with the social partners, should take measures to ensure employment continuity and social protection, despite the fluctuations in demand for labour, in accordance with the principles set out in the ILO Convention concerning the Social Repercussions of the New Methods of Cargo Handling in Docks (ILO Convention No. 137).

Or. en

Justification

Modernisation of the industry has to go hand in hand with safe and secure working conditions.

Amendment 63

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Recital 19 c (new)

Text proposed by the Commission

Amendment

(19c) All models for the organisation of port labour that secure quality jobs and safe working conditions should be supported by the Commission and the Member States. Any necessary adjustments should only be promoted through negotiations between the social partners, and the Commission should duly take into account the results of such negotiations.

Or. en

Justification

Functioning work labour schemes should be protected and promoted and the outcome of the social dialogue fully taken into account.

Amendment 64
Brando Benifei, Jutta Steinruck

Proposal for a regulation
Recital 19 d (new)

Text proposed by the Commission

Amendment

(19d) Automation and technological innovation should be dealt with in a timely manner by the employers and workers' representatives jointly, in order to guarantee the necessary training and retraining and to find shared solutions to minimise the negative effect of such processes on occupational health and safety, employability and job security. Such dialogue should also involve public authorities and management bodies, as appropriate, whenever they are involved in automation, innovation and expansion plans.

Or. en

Amendment 65
Tomáš Zdechovský

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive .../...[concessions]. Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services, **but** Member States should remain free to decide to apply nevertheless the rules of this Chapter to these **two** services. For other types of

(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive .../...[concessions].Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services. **On the other hand** Member States should remain free to decide to apply nevertheless the rules of this Chapter to these services. For other

contracts used by public authorities for granting market access to cargo handling and terminal passenger services, 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. These principles are fully applicable as regards the provision of any port service.

types of contracts used by public authorities for granting market access to cargo handling and terminal passenger services, 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. These principles are fully applicable as regards the provision of any port service.

Or. en

Amendment 66
Tomáš Zdechovský

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Financial relations between seaports which receive 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 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings¹² *without prejudice* to its scope.

¹² OJ L 318, 17.11.2006, p.17.

Amendment

(21) Financial relations between seaports which receive 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 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings *shall be according* to its scope.

¹² OJ L 318, 17.11.2006, p.17.

Or. en

Amendment 67
Verónica Lope Fontagné

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) In order to be efficient, the port infrastructure charges of each individual port should be set in a transparent and autonomous way in accordance with that port's own commercial and investment strategy.

Amendment

(24) In order to be efficient, the port infrastructure charges of each individual port should be set in a transparent and autonomous way in accordance with ***national port policy and/or*** that port's own commercial and investment strategy.

Or. es

Amendment 68
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) Adequate facilities should be in place to ensure that the users of the ports which are requested to pay a port infrastructure charge and/or a port service charge are regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, 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.

Amendment

(26) Adequate facilities should be in place to ensure that the users of the ports which are requested to pay a port infrastructure charge and/or a port service charge are regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, its performance and its capacity to attract ***qualified workers*** 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.

Or. en

Amendment 69

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The different independent supervisory bodies should exchange information on their work and cooperate in order to ensure a uniform application of this Regulation.

Amendment

(28) In the event of any cross-border dispute or complaint, the different bodies providing independent supervision should cooperate with each other and exchange information on their work.

Or. en

Amendment 70

Rina Ronja Kari

Proposal for a regulation

Recital 28

Text proposed by the Commission

*(28) The different independent supervisory bodies should exchange information on their work and cooperate in **order to ensure a uniform application of this Regulation.***

Amendment

*(28) The different independent supervisory bodies should exchange information on their work and cooperate in **case of any cross-border dispute or complaint.***

Or. en

Amendment 71

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Since the objectives of this Regulation, namely ensuring the modernisation of port services and the

Amendment

deleted

appropriate framework to attract necessary investments in all the 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.

Or. en

Amendment 72

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) Labour relations have a significant influence on the activities and working of the ports. Therefore the EU level Sectoral Social Dialogue Committee for Ports should be able to provide the EU social partners with a framework for the possible adoption of common results regarding social issues related to port labour relations. The Commission should facilitate, support and offer technical assistance to the negotiations where necessary, while respecting the autonomy of the social partners. The EU social partners should have the possibility to report on any progress made, if they wish so, so that their outcomes could be taken into account by the Commission when

reporting on the effect of this Regulation.

Or. en

Justification

It is essential that the Social Dialogue is fully taken into consideration in the implementation of this Regulation and that the Commission establishes the link between the Social Dialogue and this Regulation, including when reporting on the effect of the Regulation.

Amendment 73

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a clear framework for access to the market of port services;

deleted

Or. en

Justification

Market access is no longer the subject of this Regulation.

Amendment 74

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

*(a) a clear framework for **access to the market of** port services;*

*(a) a clear framework for **the organisation of sea** port services;*

Or. en

Amendment 75
Brando Benifei, Joachim Schuster

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) a clear framework for ***access to the market*** of port services;

Amendment

(a) a clear framework for ***the organisation*** of port services;

Or. en

Justification

Market access is no longer the subject of this Regulation.

Amendment 76
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) A framework for the protection and recognition of safety, environmental and labour standards and Social Dialogue in the port services industry

Or. en

Amendment 77
Rina Ronja Kari

Proposal for a regulation
Article 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) a framework for the recognition of safety, environmental and labour standards and Social Dialogue in the port service sector;

Amendment 78

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) common rules on the financial transparency *and charges to be applied by managing bodies or providers of port services.*

Amendment

(b) common rules on the financial transparency *of port services covered by this Regulation.*

Or. en

Amendment 79

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) common rules on the financial transparency and charges to be applied by managing bodies or providers of port services.

Amendment

(b) common rules on the financial transparency and charges to be applied by managing bodies or providers of *sea* port services.

Or. en

Amendment 80

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) cargo handling;

Amendment

deleted

Or. en

Amendment 81
Verónica Lope Fontagné

Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) dredging;

deleted

Or. es

Amendment 82
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) dredging;

deleted

Or. en

Amendment 83
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) mooring;

deleted

Or. en

Amendment 84
Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) pilotage and;

deleted

Or. en

Amendment 85
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 1 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) pilotage and;

deleted

Or. en

Amendment 86
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. en

Amendment 87
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 1 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. en

Amendment 88

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall apply to all seaports of the trans-European transport network, as defined in Annex I of Regulation XXX [regulation on the TEN-T Guidelines].

3. This Regulation shall apply to all seaports of the trans-European transport **core** network, as defined in Annex I of Regulation XXX [regulation on the TEN-T Guidelines].

Or. en

Justification

It is more appropriate to limit this Regulation to the core TEN-T ports as these are the primary focus of current EU funding regimes. Extension of the scope to additional ports may take place following further impact assessment, consultation and review.

Amendment 89

Verónica Lope Fontagné

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall have the option of deciding not to apply this Regulation to sea ports in 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 sea ports, they shall notify the

Amendment 90
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may also apply this Regulation to other seaports. When Member States decide to apply this Regulation to other seaports they shall notify their Decision to the Commission.

deleted

Amendment 91
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

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, transporting and temporary storage of the cargo on the relevant cargo handling terminal and directly related to the transporting of the cargo, but excluding warehousing, stripping, repackaging or any other value added services related to the handled cargo;

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, 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 warehousing, stripping, repackaging or any other value added services related to the handled cargo;

Justification

This definition should also include the placement of cargo on a ship (i.e. 'stowing') and the securing of cargo (i.e. 'lashing').

Amendment 92

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. 'competent authority' means any public competent authority or group of public competent authorities of a Member State or Member States, under whose jurisdiction a port or ports are established;

Or. en

Amendment 93

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

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.

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 a waterway falls within the legal competence of the managing body of the port or a competent authority.***

Or. en

Amendment 94

Lucy Anderson, Siôn Simon

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

Amendment

Market access

Organisation of port services

Or. en

Amendment 95
Brando Benifei, Joachim Schuster, Elena Gentile

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

Amendment

Market access

Organisation of port services

Or. en

Justification

Market access is no longer the subject of this Regulation.

Amendment 96
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Freedom to provide services

1. Freedom to provide services in seaports covered by this Regulation shall apply to the providers of port services established in the Union under the conditions set out in this Chapter.

2. Providers of port services shall have access to essential port facilities to the extent necessary for them to carry out

their activities. The terms of the access shall be fair, reasonable and non-discriminatory.

Or. en

Justification

Market access is no longer the subject of this Regulation

Amendment 97

Brando Benifei, Elena Gentile, Joachim Schuster

Proposal for a regulation

Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Freedom to provide services

1. Freedom to provide services in seaports covered by this Regulation shall apply to the providers of port services established in the Union under the conditions set out in this Chapter.

2. Providers of port services shall have access to essential port facilities to the extent necessary for them to carry out their activities. The terms of the access shall be fair, reasonable and non-discriminatory.

Or. en

Justification

Market access is no longer the subject of this Regulation.

Amendment 98

Ulla Tørnæs

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The managing body of the port may require that providers of port services comply with minimum requirements to perform the corresponding port service.

Amendment

1. The managing body of the port may require that providers of port services comply with minimum requirements to perform the corresponding port service ***including the possibility of the competent national authorities to impose public service obligations as provided for in Article 8.***

Or. en

Amendment 99
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the event that the managing body of the port does not require minimum requirements, the Member State or competent authority may impose such requirements on the managing body of the port.

Or. en

Justification

Depending on national circumstances, a Member State or competent authority may wish to establish minimum requirements for port services, even if that Member State or competent authority is not the managing body of the port.

Amendment 100
Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The provisions governing providers of port services, including subcontractors, laid down by the competent national authority shall take precedence over those drawn up by the managing body of the port.

Or. it

Justification

With a view to ensuring that workers' health and safety, and social and labour rights, are safeguarded as effectively as possible, the rules laid down by the competent national authority must take precedence over those applied by the managing body of the port, in particular if there are contradictions between them.

Amendment 101

Ulla Tørnæs

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The minimum requirements provided for in paragraph 1 ***may only*** relate, ***where applicable***, to:

2. The minimum requirements provided for in paragraph 1 ***shall*** relate to:

Or. en

Amendment 102

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The minimum requirements provided for in paragraph 1 may only relate, ***where applicable***, to:

2. The minimum requirements provided for in paragraph 1 may only relate ***to inter alia***:

Justification

A Member State, competent authority or managing body of a port may wish to establish minimum requirements in addition to those listed in this Regulation.

Amendment 103

Elisabeth Morin-Chartier

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) the equipment needed to provide the relevant port service in normal and safe conditions ***and the capacity to maintain this equipment at the appropriate level;***

Amendment

(b) the equipment needed ***and the technical and financial capacity required to maintain that equipment at the appropriate level in order to*** provide the relevant port service ***continuously*** in normal and safe conditions;

Or. fr

Amendment 104

Brando Benifei, Joachim Schuster, Jutta Steinruck

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment and persons;

Amendment

(c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment and persons, ***including the provisions on health and safety at work which apply to the port concerned;***

Or. en

Amendment 105

Ulla Tørnæs

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment and persons;

Amendment

(c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its **workers**, installations, equipment and persons;

Or. en

Amendment 106

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) social requirements, including but not limited to health and safety obligations, fair terms of employment, decent living and working conditions including social protection and professional training, and the respect of collective bargaining agreements.

Or. en

Amendment 107

Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation

Article 4 – paragraph 2 – point d

Text proposed by the Commission

(d) the compliance with local, national, Union and international environmental requirements.

Amendment

(d) the compliance with local, national, Union and international environmental requirements ***laid down by law and in***

keeping with best practice, innovation and scientific progress in the area of greater environmental and energy efficiency.

Or. it

Justification

Port service providers, including subcontractors, must comply with environmental law and international best practice in the area of environmental protection.

Amendment 108

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point d

Text proposed by the Commission

(d) the compliance with local, national, Union and international environmental requirements.

Amendment

(d) the compliance with local, national, Union and international ***social and employment as well as*** environmental requirements.

Or. en

Amendment 109

Ulla Tørnæs

Proposal for a regulation

Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) Compliance with applicable agreements between the social partners.

Or. en

Amendment 110

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the credentials of the applicant with regard to respect for social and labour rights, including respect for existing collective agreements and the legal provisions in terms of health and safety at the workplace;

Or. en

Amendment 111

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the compliance with national social standards;

Or. en

Justification

The list of criteria for minimum requirements should be exhaustive. Next to professional qualifications, maritime safety and environmental concerns, compliance with social standards should also be taken into account in the selection of service providers.

Amendment 112

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Article 4 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) the good repute of the port service provider with regard to the respect of

social and labour rights, including the compliance with applicable Union and national law and with agreements to protect health and safety.

Or. en

Justification

The good repute of the provider should be among the minimum requirements.

Amendment 113

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. The minimum requirements shall be transparent, non-discriminatory, objective *and relevant to the category and nature of port services concerned.*

Amendment

3. The minimum requirements shall be transparent, non-discriminatory *and* objective.

Or. en

Amendment 114

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The implementation of this regulation shall under no circumstances constitute grounds for a reduction in the level of minimum requirements for the provision of port services already afforded by Member States or competent authorities.

Or. en

Amendment 115
Brando Benifei, Joachim Schuster

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Where the minimum requirements include specific local knowledge or acquaints with local conditions, the managing body of the port shall **ensure** that adequate access to relevant training exists, under transparent and non-discriminatory conditions, unless adequate access to such training is ensured by the Member State.

Amendment

4. Where the minimum requirements include specific local knowledge or acquaints with local conditions, the managing body of the port shall **verify** that adequate access to relevant training exists, under transparent and non-discriminatory conditions, unless adequate access to such training is ensured by the Member State.

Or. en

Amendment 116
Laura Agea, Tiziana Beghin, Rosa D’Amato, Daniela Aiuto

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall treat providers of port services equally and shall act in a transparent manner.

Amendment

1. The managing body of the port shall treat providers of port services, **including subcontractors, impartially and** equally and shall act in a **prompt and** transparent manner.

Or. it

Justification

Subcontractors must enjoy the same impartial treatment and the managing body of the port must act promptly.

Amendment 117
Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. The managing body of the port shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within one month from receiving a request for the granting of such a right. Any refusal shall be duly justified on the basis of objective, transparent, ***non-discriminatory and proportionate*** criteria.

Amendment

2. The managing body of the port shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within one month from receiving a request for the granting of such a right. Any refusal shall be duly justified on the basis of objective, transparent ***and non-discriminatory*** criteria.

Or. en

Amendment 118
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***By way of derogation from Article 3, the managing body of the port*** may limit the number of providers of port service ***for*** a given port ***service*** for one or several ***of the following reasons***:

Amendment

1. ***The Member State or competent authority*** may limit the number of providers of ***a*** port service ***in*** a given port for one or several ***reasons, including***:

Or. en

Justification

It may not be the managing body of the port that limits the number of providers.

Amendment 119
Ulla Tørnæs

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Article 3, the managing body of the port may limit the number of providers of port service for a given port service for one or several of the following reasons:

Amendment

1. By way of derogation from Article 3, the managing body of the port **or the competent national authority** may limit the number of providers of port service for a given port service for one or several of the following reasons:

Or. en

Amendment 120

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes **an essential** port facility **to provide the port service** and that the limitation is in accordance with the formal development plan of the port as agreed by the management body of the port and where appropriate any other public competent authorities **according to** the national legislation;

Amendment

(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes **a** port facility, **which is essential for the provision of safe, environmentally and socially sound and sustainable port services** and that the limitation is in accordance with the formal development plan of the port as agreed by the management body of the port and where appropriate any other public competent authorities **in conformity with** the national legislation;

Or. en

Amendment 121

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the need to ensure the provision of safe, secure or environmentally sustainable port operations;

Or. en

Amendment 122

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 6 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) to ensure compliance with minimum service requirements as provided for under Articles 4 and 5.

Or. en

Amendment 123

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the public service obligations as provided for in Article 8, *insofar as the absence of limitation can obstruct the performance of the obligations assigned to the providers of port services.*

(b) the public service obligations as provided for in Article 8.

Or. en

Amendment 124

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the characteristics of the port traffic of a given port do not enable multiple providers to provide port services in economically satisfactory conditions and/or in terms of security and quality of service and workers;

Or. en

Amendment 125
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) In the cases provided for in Article 9 (1), whereby the port service provider is considered as an internal operator for the purpose of this Regulation;

Or. en

Amendment 126
Brando Benifei, Jutta Steinruck, Joachim Schuster

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the need to ensure the provision of safe, secure or environmentally sustainable port operations;

Or. en

Justification

Another possible reason for limiting the number of providers must be safety, security and environmental concerns in order to guarantee overall safety in ports.

Amendment 127

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 6 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) When the managing body of the port is neither the Member State nor the competent authority, that managing body may limit the number of providers in accordance with paragraph 1 in cases where national legislation so permits.

Or. en

Justification

When managing bodies of ports are neither the Member State or competent authority, specific reference should be made to explain how and when they can limit the number of providers.

Amendment 128

Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The restrictions laid down by the competent national authority shall take precedence over those imposed by the managing body of the port.

Or. it

Justification

In keeping with the general interest, and with a view to ensuring that workers' health and safety, social and labour rights and the environment are safeguarded as effectively as possible, the rules laid down by the competent national authority must take precedence over those applied by the managing body of the port, in particular if there are contradictions between them.

Amendment 129

Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation

Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. the need to guarantee the health and safety of workers and the provision of safe, environmentally sustainable port operations and services which do not have an adverse impact on the surrounding environment.

Or. it

Justification

The managing body of the port and/or the competent national authority must have the option of limiting the number of service providers in order to safeguard the health and safety of workers or guarantee the provision of safe, environmentally sustainable port operations and services which do not have an adverse impact on the surrounding environment.

Amendment 130

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. When a managing body of a port provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State may entrust the adoption of the decision

deleted

limiting the number of providers of port services to an authority which is independent from the managing body of the port. If the Member State does not entrust the adoption of the decision limiting the number of providers of port services to such an authority, the number of providers shall not be less than two.

Or. en

Amendment 131
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Procedure for the limitation of the number of providers of port services

- 1. Any limitation of the number of providers for a port service in accordance with Article 6 shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent.*
- 2. If the estimated value of the port service exceeds the threshold defined in paragraph 3, the rules on the award procedure, the procedural guarantees and the maximum duration of the concessions as set out in Directive / [concession] shall apply.*
- 3. The threshold and the method to determine the value of the port service shall be those of the relevant and applicable provisions of Directive / [concession].*
- 4. The selected provider or providers and the managing body of the port shall conclude a port service contract.*
- 5. For the purposes of this Regulation, a*

substantial modification within the meaning of Directive .../... [concession] of the provisions of a port service contract during its term shall be considered as a new port service contract and shall require a new procedure as referred to in paragraph 2.

6. Paragraphs 1 to 5 of this Article shall not apply in the cases referred to in Article 9.

7. This Regulation is without prejudice to Directive .../... [concession]¹⁵, Directive .../...[public utilities]¹⁶ and Directive .../... [public procurement]¹⁷

¹⁵ *Proposal for a Directive on the award of concession contracts (COM 2011) 897 final*

¹⁶ *Proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors (COM/2011/0895 final)*

¹⁷ *Proposal for a Directive on public procurement (COM/2011/0896 final)*

Or. en

Justification

The reasons and justifications for limitations are set out in Article 6.

Amendment 132
Brando Benifei, Joachim Schuster

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Procedure for the limitation of the number of providers of port services

1. Any limitation of the number of providers for a port service in accordance with Article 6 shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent.

2. If the estimated value of the port service exceeds the threshold defined in paragraph 3, the rules on the award procedure, the procedural guarantees and the maximum duration of the concessions as set out in Directive/.... [concession] shall apply.

3. The threshold and the method to determine the value of the port service shall be those of the relevant and applicable provisions of Directive/.... [concession].

4. The selected provider or providers and the managing body of the port shall conclude a port service contract.

5. For the purposes of this Regulation, a substantial modification within the meaning of Directive/... [concession] of the provisions of a port service contract during its term shall be considered as a new port service contract and shall require a new procedure as referred to in paragraph 2.

6. Paragraphs 1 to 5 of this Article shall not apply in the cases referred to in Article 9.

7. This Regulation is without prejudice to Directive/... [concession]¹⁵, Directive/....[public utilities]¹⁶ and Directive/... [public procurement]¹⁷

¹⁵ Proposal for a Directive on the award of concession contracts (COM 2011) 897 final

¹⁶ Proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors (COM/2011/0895 final)

Amendment 133
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States may decide to impose public service obligations related to *port* services *on providers in order to ensure the following:*

Amendment

1. *In the cases where* Member States *or competent authorities classify port services as being of general interest, they* may decide to impose public service obligations related to *those* services, *in accordance with principles and requirements of the Union law.*

Amendment 134
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States may decide to impose public service obligations related to port services on providers in order to ensure the following:

Amendment

1. Member States may decide to impose public service obligations related to port services on providers in order to *inter alia* ensure the following:

Amendment 135
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the availability of the service without interruption during the day, the night, the week and the year;

deleted

Or. en

Amendment 136
Ulla Tørnæs

Proposal for a regulation
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) The health and safety of workers.

Or. en

Amendment 137
Ulla Tørnæs

Proposal for a regulation
Article 8 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) The compliance with applicable agreements between the social partners.

Or. en

Amendment 138
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the availability of the service to all users;

deleted

Or. en

Amendment 139

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the affordability of the service for certain categories of users.

deleted

Or. en

Amendment 140

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the safety, security or environmental sustainability of ports operations.

Or. en

Amendment 141

Brando Benifei, Jutta Steinruck, Joachim Schuster, Elena Gentile

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the safety, security or environmental sustainability of ports operations.

Or. en

Justification

Public service obligations should be possible to ensure safe, secure and environmentally sustainable port operations.

Amendment 142

Brando Benifei, Joachim Schuster, Elena Gentile

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

Amendment

6. 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 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 one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service *in accordance with* Article 7 *or* shall *apply Article 9*.

6. 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 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 one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service *or shall apply Article 9*.

Collective actions shall not be a disruption of port services for which emergency measures can be taken.

Or. en

Justification

The right of collective bargaining and action should be fully respected by this Regulation.

Amendment 143

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. 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 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 one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

Amendment

6. 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 competent authority may take an emergency measure. The ***exercise of the right to collective bargaining and collective measures, including the right to strike, shall not constitute grounds for taking emergency measures.*** 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 one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

Or. en

Amendment 144

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. 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 competent authority may take an emergency measure. The emergency measure may take the form of a direct

Amendment

6. 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 ***Member State or*** competent authority may take an emergency measure. The emergency measure may take the form of a

award so as to attribute the service to a different provider for a period up to one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

direct award so as to attribute the service to a different provider for a period up to one year. During that time period, the **Member State or** competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 6 or shall apply Article 9.

Or. en

Justification

It may be the Member State, as well as the competent authority, that takes an emergency measure.

Amendment 145 **Ulla Tørnæs**

Proposal for a regulation **Article 8 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. Collective industrial actions taking in accordance with applicable agreements between the social partners do not constitute a disruption of port services for which emergency measures can be taken.

Or. en

Amendment 146 **Lucy Anderson, Siôn Simon**

Proposal for a regulation **Article 8 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. Collective actions, including but not limited to strikes, shall not be considered a disruption of port services for which an emergency measure can be taken.

Amendment 147
Verónica Lope Fontagné

Proposal for a regulation
Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Without prejudice to compliance with paragraph 1, collective actions complying with the national legislation of the Member State concerned are not considered to be disruptions of port services for which emergency measures can be taken.

Or. es

Amendment 148
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the national legislation of a Member State so permits, the managing body of a port may 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. In such a case, the port service provider shall be considered as an internal operator for the purpose of this Regulation.

Or. en

Justification

Depending on national circumstances, the managing body of a port may provide a port

service itself or through a legally distinct entity, though the managing body itself is neither the Member State nor a competent authority.

Amendment 149

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The internal operator shall be confined to perform the assigned port service only in the port(s) for which the assignment to provide the port service has been attributed to him.

deleted

Or. en

Amendment 150

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. This **Regulation** shall **not** affect the application of the social and labour rules **of** the Member States.

1. This **Directive** shall **under no circumstances** affect the application of **or overrule** the social and labour rules **applicable in** the Member States.

Or. en

Amendment 151

Brando Benifei, Joachim Schuster

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall not affect the application of the social and labour rules *of* the Member States.

1. This Regulation shall not affect the application of the social and labour rules ***applicable in*** the Member States.

Or. en

Amendment 152
Ulla Tørnæs

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall not affect the application of the social and labour rules of the Member States.

1. This Regulation shall not affect the application of the social and labour rules of the Member States ***including applicable agreements between the social partners in accordance with Member States customs and traditions.***

Or. en

Amendment 153
Laura Agea, Tiziana Beghin, Rosa D’Amato, Daniela Aiuto

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to national and Union law including collective agreements between social partners, the ***managing bodies of the port may*** require the designated provider of port services appointed in accordance with the procedure established by Article 7, ***in the case where this provider is different from the incumbent provider of port services,*** to grant staff previously taken on by the incumbent provider of port services the

2. Without prejudice to national and Union law including collective agreements between social partners ***at Union, national, regional or local level,*** the ***Member State shall*** require the designated provider of port services appointed in accordance with the procedure established by Article 7, ***including its subcontractors, to uphold rights as regards the information and consultation of workers and*** to grant staff previously taken on by the incumbent

rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

provider of port services, *irrespective of whether they perform their tasks on board vessels or on land for the services in question*, the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. it

Justification

Member States must be able to guarantee an appropriate level of social protection, so that the application of Directive 2001/13/EC must be mandatory, as regards both the providers of port services and their subcontractors.

Amendment 154

Jutta Steinruck

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Without prejudice to national and Union law including collective agreements between social partners, the *managing bodies of the port may* require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Amendment

2. Without prejudice to national and Union law including collective agreements between social partners, the *Member States shall* require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services *and where the incumbent provider ceases its commercial operations*, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. en

Amendment 155

Brando Benifei, Elena Gentile

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Without prejudice to national and Union law including collective agreements between social partners, the *managing bodies of the port* may require the designated provider of port services *appointed in accordance with the procedure established by Article 7*, in the case where this provider is different from the incumbent provider of port services, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Amendment

2. Without prejudice to national and Union law including collective agreements between social partners, the *Member States* may require the designated provider of port services, in the case where this provider is different from the incumbent provider of port services *and where the incumbent provider ceases its commercial operations*, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. en

Amendment 156

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Without prejudice to national *and* Union law *including* collective agreements between social partners, the managing bodies of the port *may* require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Amendment

2. Without prejudice to national *law*, Union law, *in particular Directive 2001/23/EC, and* collective agreements between social partners *at the European, national, regional or local level*, the managing bodies of the port *shall* require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services, to *respect rights in terms of informing and consulting workers and to* grant staff previously taken on by the incumbent provider of port services, *irrespective of*

whether they perform their tasks on board vessels or on land for the services in question, the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. en

Justification

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.

Amendment 157

Verónica Lope Fontagné

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Workers' rights as regards information and consultation – as enshrined in Directive 2002/14/EC and in the European Parliament legislative resolution of 8 July 2015 on seafarers and amending the previous directive – shall be upheld irrespective of whether the work is carried out on land or on board ship.

Or. es

Amendment 158

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Where managing bodies of the port

deleted

require providers of port services to comply with certain social standards as regards the provision of relevant port services, 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.

Or. en

Amendment 159

Verónica Lope Fontagné

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. *Where* managing *bodies* of the port require providers *of* port services to comply with *certain* social *standards as regards the provision of relevant port services*, 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.

Amendment

3. *The* managing *body* of the port *or the competent authority shall* require *service* providers, *in providing* port services, to comply with *the applicable* social *and labour regulations. To that end*, 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.

Or. es

Amendment 160

Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. *Where* managing bodies of the port require providers of port services to comply with *certain* social standards *as*

Amendment

3. Managing bodies of the port *shall* require *all* providers of port services *and subcontractors* to comply with *all* social

regards the provision of relevant port services, 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.

and labour standards as laid down in Union or national law, including in applicable collective agreements. To this end, 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.

Or. it

Justification

With a view to safeguarding all workers, the managing body of the port must be able to require all providers of port services, including subcontractors, to comply with all social and labour standards as laid down in Union or national law, including in applicable collective agreements, and must provide appropriate documentation.

Amendment 161

Ulla Tørnæs

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. Where managing bodies of the port require providers of port services to comply with *certain* social *standards* as regards the provision of relevant port services, 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.

Amendment

3. Where managing bodies of the port require *all* providers of port services to comply with *relevant social and labour laws and applicable agreements between the social partners in accordance with national customs and traditions*, as regards the provision of relevant port services, 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.

Or. en

Amendment 162
Verónica Lope Fontagné

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Providers of port services shall ensure that workers have the qualifications necessary to carry out their work safely, as well as those relating to accident prevention.

Or. es

Amendment 163
Brando Benifei, Joachim Schuster, Elena Gentile

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Training and labour protection

1. The employer shall ensure that its employees receive the necessary training to acquire a sound knowledge of the conditions in which their work is conducted and that they are properly trained to tackle the hazards which the work may entail. Member States shall take the necessary measures to ensure that such a principle is properly enforced.

2. In full respect of the autonomy of social partners, the EU-level Sectoral Social Dialogue Committee for Ports is invited to develop guidelines for the establishment of training requirements to prevent accidents and ensure the highest level of safety and health for dockworkers. Such training requirements shall be regularly updated in order to reduce on an ongoing basis the occurrence of accidents at the

workplace.

3. Member States, in full cooperation with social partners, shall take measures in order to set up arrangements which ensure a balance between the fluctuation in the demand for port work and flexibility required by port operations, on the one hand, and continuity and protection of employment, on the other hand.

Or. en

Justification

It is very important to ensure that workers are provided with appropriate training based on up-to-date requirements. It is equally important that social partners, through the Social Dialogue, participate to the elaboration of the safety requirements.

Amendment 164

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Training and labour protection

1. The employer shall ensure that its employees receive the necessary training to acquire a sound knowledge of the conditions in which their work is conducted and that they are properly trained to tackle the hazards which the work may entail. Member States shall take the necessary measures to ensure that such a principle is properly enforced.

2. In full respect of the autonomy of social partners, the EU-level Sectoral Social Dialogue Committee for Ports is invited to develop guidelines for the establishment of training requirements to prevent accidents and ensure the highest level of

safety and health for port workers. Such training requirements shall be regularly updated in order to reduce on an ongoing basis the occurrence of accidents at the workplace.

3. Member States, in full cooperation with social partners, shall take measures in order to set up arrangements which ensure a balance between the fluctuation in the demand for port work the needs of port operations, on the one hand, and continuity, health and safety of port workers and protection of employment, on the other hand.

Or. en

Amendment 165
Verónica Lope Fontagné

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Exemption

This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services and passenger services.

Or. es

Amendment 166
Joachim Schuster

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

This Chapter and the transitional provisions of Article 24 shall not apply to

This Chapter and the transitional provisions of Article 24 shall not apply to

cargo handling services *and* passenger services.

cargo handling services, passenger services *and pilotage*.

Or. de

Amendment 167
Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services *and* passenger services.

Amendment

This Chapter, *with the exception of Articles 4(2), 8(6) and Article 10* and the transitional provisions of Article 24 shall not apply to cargo handling services, passenger services, *pilotage, towage and mooring*.

Or. en

Amendment 168
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services and passenger services.

Amendment

This Chapter, *with the exception of Articles 4(2), 8(6) and Article 10* and the transitional provisions of Article 24 shall not apply to cargo handling services and passenger services, *pilotage, towage and mooring*.

Or. en

Amendment 169
Elisabeth Morin-Chartier

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services **and** passenger services.

Amendment

This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services, passenger services **or mooring**.

Or. fr

Amendment 170
Verónica Lope Fontagné

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined in ***an autonomous way by the managing body of the port according to its own*** commercial strategy and investment plan ***reflecting competitive conditions of the relevant market and in accordance*** with *State aid* rules.

Amendment

3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined in ***accordance with national port policies and/or the commercial strategy and investment plan of each port, and comply*** with ***competition*** rules, ***where applicable***.

Or. es

Amendment 171
Laura Agea, Tiziana Beghin, Rosa D'Amato, Daniela Aiuto

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with the procedure referred to in Article 21 concerning common classifications of vessels, fuels and types of operations according to which the infrastructure charges can vary and

Amendment

deleted

common charging principles for port infrastructure charges.

Or. it

Justification

The conferral on the Commission of the power to adopt delegated acts is not appropriate in this case.

Amendment 172

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. The managing body of the port shall regularly consult stakeholders such as undertakings established in the port, providers of port services, operators of waterborne vessels, cargo owners, land transport operators *and public administrations* operating in the port area on the following:

Amendment

1. The managing body of the port shall regularly consult stakeholders such as undertakings established in the port, providers of port services, operators of waterborne vessels, cargo owners, land transport operators, *public administrations and representatives of the employers and employees* operating in the port area on the following:

Or. en

Amendment 173

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. The managing body of the port shall regularly consult stakeholders such as undertakings established in the port, providers of port services, operators of waterborne vessels, cargo owners, land

Amendment

1. The managing body of the port shall regularly consult stakeholders such as undertakings established in the port, providers of port services, operators of waterborne vessels, *social partners*, cargo

transport operators and public administrations operating in the port area on the following:

owners, land transport operators, *port workers*, and public administrations operating in the port area, *inhabitants in and near to the port area and organisations addressing working and living conditions in and near the ports* on the following:

Or. en

Amendment 174

Brando Benifei, Joachim Schuster, Elena Gentile, Jutta Steinruck

Proposal for a regulation

Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the compliance with the minimum requirements provided for in Article 4(2), including the proper application of health and safety at work which apply to the port concerned;

Or. en

Amendment 175

Laura Agea, Tiziana Beghin, Rosa D’Amato, Daniela Aiuto

Proposal for a regulation

Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for an indeterminate period of time.*

3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Or. it

Justification

The withdrawal of the power to adopt delegated acts provided for in Article 14 makes rules governing the exercise of the delegation superfluous.

Amendment 176

Lucy Anderson, Siôn Simon

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

No later than **three** years after **the entry**

No later than **two** years after **the date of**

into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of this Regulation, accompanied, if appropriate, by relevant proposals.

application of this Regulation, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of this Regulation, accompanied, if appropriate, by relevant proposals. ***The report of the Commission shall take into account any progress achieved by the EU-level Sectoral Social Dialogue Committee for Ports.***

Or. en

Amendment 177

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

Transposition

Member States shall adopt and publish, by [two years after adoption of this Directive] at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. They shall apply those measures from [two years after adoption of this Directive].

Or. en

Justification

Part of conversion from regulation into a directive

Amendment 178

Karima Delli

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 179

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply with effect from 1 July 2015.

deleted

Or. en

Amendment 180

Lucy Anderson, Siôn Simon

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply with effect from 1 July 2015.

It shall apply with effect from * OJ:
Please insert the date: 36 months after the entry into force of this Regulation.*

Or. en

Amendment 181

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en