

**Question for written answer P-008417/2016
to the Commission**
Rule 130
Knut Fleckenstein (S&D)

Subject: Amendment of Regulation (EU) No 651/2014

In the trilogue negotiations on the COM(2013) 296 proposal, the Council, Parliament and the Commission reached agreement on recital 22c at the beginning of October.

This stresses the importance of prompt clarification by the Commission, in consultation with all the parties involved, of what public investment in port infrastructures should come under the GBER and what infrastructures do not fall within the scope of state aid rules, bearing in mind the non-commercial character of certain infrastructures, including access and port facility infrastructures, provided these are available to all potential users under the same, non-discriminatory conditions.

In the light of the close linking of the provisions of the forthcoming Ports Regulation and the state-aid rules on financing port infrastructures, I would like to ask the following questions:

1. Will the Commission explain why the draft of the GBER submitted on 13.10.2016 does not contain the clarification required under recital 22c of the Ports Regulation?
2. Does the Commission plan promptly to amend the notice on the concept of state aid in order to achieve this clarification?
3. If the Commission has no intention either to include a clarification in the GBER or to amend the notice on the concept of state aid, how does it intend to achieve the clarification required by recital 22c with the same legal certainty and binding force?