



2013/0157(COD)

02.7.2015

AMENDMENTS 410 - 712

Draft report

Knut Fleckenstein

(PE557.153v01-00)

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

Proposal for a regulation

(COM(2013)0296 – C7-144/2013 – 2013/0157(COD))

Amendment 410
Bogusław Liberadzki

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The managing body of the port shall publish the adopted decision.

deleted

Or. pl

Amendment 411
Renaud Muselier

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The managing body of the port shall publish the adopted decision.

3. The managing body of the port **or the competent authority** shall publish the adopted decision.

Or. fr

Amendment 412
Bogusław Liberadzki

Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any limitation of the number of providers for a port service shall follow a transparent procedure. The managing body of the port or the competent authority shall communicate to all interested parties information concerning the procedure and the submission deadline, as well as all relevant award criteria and requirements.

Amendment 413

Daniel Dalton

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any limitation of the number of providers for a port service shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent. The managing body of the port or the competent authority shall communicate to all interested parties information concerning the organisation of the selection procedure and the submission deadline, as well as all relevant award criteria and requirements. This paragraph shall not apply in the cases referred to in Article 9.

Or. en

Justification

In recognition of the diverse port operating models across the EU, internal operators exposed to effective competition should be free to appoint themselves to provide services in their own ports.

Amendment 414

Lucy Anderson, Theresa Griffin

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

deleted

entrust the adoption of the decision 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 415
Bogusław Liberadzki

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 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.

deleted

Or. pl

Amendment 416
Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. When a managing body of a port

4. When a managing body of a port, *or a*

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 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.*

competent authority, provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State *has to take necessary measures to avoid conflicts of interest. If those measures are not taken, the number of providers shall not be less than two, unless any of the reasons listed in paragraph 1 justifies a limitation to a single provider.*

Or. en

Amendment 417

Philippe De Backer, Pavel Telička

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

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 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.*

Amendment

4. When a managing body of a port *or a competent authority* provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State *shall take necessary measures to avoid conflicts of interest. In the absence of such measures, the number of providers shall not be less than two, unless any of the reasons listed in paragraph 1 justifies a limitation to a single provider.*

Or. en

Amendment 418

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Renaud Muselier, Cláudia Monteiro de Aguiar, Dubravka Šuica, Salvatore Domenico Pogliese, Massimiliano Salini, Deirdre Clune

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

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 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.***

Amendment

4. When a managing body of a port ***or a competent authority*** provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State ***shall take necessary measures to avoid conflicts of interest. In the absence of such measures, the number of providers shall not be less than two, unless any of the reasons listed in paragraph 1 justifies a limitation to a single provider.***

Or. en

Amendment 419
Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

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 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.

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 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 ***except if any of the reasons laid down in paragraph 1 justifies a single provider.***

Or. en

Amendment 420
Jacqueline Foster

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may decide that their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 may limit the number of service providers for a given port service. In such case, Article 7 of this Regulation shall not apply and the Member States shall inform the Commission thereof.

Or. en

Justification

In accordance with the principle of regulatory proportionality, smaller ports offer fewer opportunities for multiple service providers.

Amendment 421
Daniel Dalton

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may decide that their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 may limit the number of service providers for a given port service. In such case, the provisions of this Article shall not apply and the Member States shall inform the Commission thereof.

Or. en

Justification

Small ports should not be subjected to disproportionate administrative burdens.

Amendment 422

Lucy Anderson, Theresa Griffin

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 423
Tomasz Piotr Poręba

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/....

4. [concession]. 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

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

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

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

Or. pl

Amendment 424

Christine Revault D'Allonnes Bonnefoy, Isabelle Thomas

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***

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

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

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

Or. fr

Amendment 425

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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

Amendment 426
Bogusław Liberadzki

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

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

Amendment

Proceeding by the choice of providers of port services in case of control of their number

Or. en

Amendment 427
Bogusław Liberadzki

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. **In the case of control** of the number of providers for a port service in accordance with Article 6, **the managing body of the port or the competent authority** shall follow a **procedure to select providers of port services** which shall be open to all interested parties, non-discriminatory and transparent.

Or. en

Amendment 428
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. **In the case of** limitation of the number of providers for a port service in accordance with Article 6, **the managing body of the port or the competent authority** shall follow a **procedure to choose providers of port services** which shall be open to all interested parties, non-discriminatory and transparent.

Or. en

Amendment 429
Elissavet Vozemberg, Ivo Belet, Renaud Muselier, Cláudia Monteiro de Aguiar, Dubravka Šuica, Deirdre Clune

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Any limitation of the number of providers for a port service shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent. ***The managing body of the port or the competent authority shall communicate to all interested parties information concerning the organisation of the selection procedure and the submission deadline, as well as all relevant award criteria and requirements.***

Or. en

Justification

It is important to ensure a fair and transparent selection procedure.

Amendment 430
Bogusław Liberadzki

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The approach shall fulfil the following criteria:

(a) A port service contract notice, containing at least information on the port service to be provided, the award conditions, the explanations of how the relevant document can be accessed and the address and time limit for the submission of tenders, shall be published in the Official Journal of the European Union;

(b) The minimum time limit for receipt of tenders shall be 30 days from publication of the notice;

(c) All technical and functional requirements shall be communicated to parties that are interested;

(d) The award criteria shall not concede an unrestricted freedom of decision on the managing body of the port or the competent authority;

(e) The length of the port service contract shall be limited on the basis of the nature of, the aim of and the investments necessary for the service to which the contract relates.

Or. en

Amendment 431
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The selection procedure shall fulfil the following conditions:

Or. en

Amendment 432
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new) – point a (new)

Text proposed by the Commission

Amendment

(a) A port service contract notice, containing at least information on the port service to be provided, the award criteria, indications of how the relevant document can be accessed and the address and the time limit for the submission of tenders, shall be published in the Official Journal of the European

Union;

Or. en

Amendment 433
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new) – point b (new)

Text proposed by the Commission

Amendment

(b) The minimum time limit for receipt of tenders shall be 30 days from publication of the notice;

Or. en

Amendment 434
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new) – point c (new)

Text proposed by the Commission

Amendment

(c) All technical and functional requirements shall be communicated to interested parties;

Or. en

Amendment 435
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new) – point d (new)

Text proposed by the Commission

Amendment

(d) The award criteria shall not confer an unrestricted freedom of choice on the managing body of the port or the

competent authority;

Or. en

Amendment 436
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 1 a (new) – point e (new)

Text proposed by the Commission

Amendment

(e) The duration of the port service contract shall be limited on the basis of the nature of the purpose of and the investments necessary for the services to which the contract relates.

Or. en

Amendment 437
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 438
Elissavet Vozemberg, Dubravka Šuica

Proposal for a regulation
Article 7 – paragraph 2

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.

2. The procedure shall be considered to be open, non-discriminatory and transparent if it fulfils the following conditions:

(a) A port service contract notice, which will be containing at least information on the port service to be provided, the award criteria, information of how the relevant document can be accessed as well as the address and time limit for the submission of tenders, shall be published in the Official Journal of the European Union.

(b) The minimum time limit for receipt of tenders will be 30 days after the publication of the notice.

(c) Technical and functional requirements will be communicated to all interested parties.

(d) The award criteria will not give an unlimited freedom of choice on the managing body of the port or the competent authority.

(e) The duration of the port service contract shall be limited. The managing body of the port, or where appropriate the competent authority, shall determine that duration on the basis of the nature and the purpose of the service and the investments necessary for the service to which the contract relates.

Or. en

Justification

In the service port market there are different types of contracts authorisations or licences.

Amendment 439

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Renaud Muselier, Dubravka Šuica

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

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].

deleted

Or. en

Amendment 440

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Renaud Muselier, Dubravka Šuica

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 441

Bogusław Liberadzki

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

5. For the purposes of this Regulation, a substantial modification of the provisions of a port service contract during its term shall be considered as ***the conclusion of*** a new port service contract and shall ***call for***

new port service contract and shall **require** a new procedure as referred to in paragraph 2.

a new procedure as referred to in paragraph 1.

This covers cases when the modification renders the contract materially different in character from the one originally concluded, including when the scope of the port service contract is considerably extended.

Or. en

Amendment 442

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Dubravka Šuica

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

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.***

Amendment

5. For the purposes of this Regulation, a substantial modification of a port service contract during its term shall be considered as ***the conclusion of*** a new port service contract and shall require a new procedure. ***This covers cases when the modification renders the contract materially different in character from the one initially concluded, including when the scope of the port service contract is considerably extended.***

Or. en

Amendment 443

Elissavet Vozemberg, Renaud Muselier, Dubravka Šuica

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

deleted

Article 9.

Or. en

Amendment 444
Bogusław Liberadzki

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Paragraphs 1, ***1a and*** 5 of this Article shall not apply in the cases referred to in Article ***6(1)(aa) and Article 9(1)***.

Or. en

Amendment 445
Luis de Grandes Pascual

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 446
Elissavet Vozemberg, Ivo Belet, Renaud Muselier, Dubravka Šuica

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

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

Amendment

7. Where contracts for the provision of port services take the form of service concessions within the meaning of

.../... [public procurement]¹⁷

Directive 2014/23/EU, the provisions of that Directive shall apply. This Regulation is without prejudice to Directive 2014/25/EU (public utilities) **and Directive 2014/24/EU**[public procurement]

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

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

Or. en

Amendment 447
Rosa D'Amato, Daniela Aiuto

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 ensure **at least one of** the following **services**:

Or. it

Amendment 448
Christine Revault D'Allonnes Bonnefoy

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 ensure **in particular**:

Or. fr

Justification

The list of criteria setting out the public service obligations must remain open.

Amendment 449

Lucy Anderson, Jude Kirton-Darling, Clare Moody, Anneliese Dodds, Theresa Griffin, Martina Anderson

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 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 EU law.***

Or. en

Justification

Depending on national circumstances, it may be the Member State or the competent authority that imposes public service obligations, in accordance with EU law.

Amendment 450

Elissavet Vozemberg, Ivo Belet, Cláudia Monteiro de Aguiar, Dubravka Šuica, Deirdre Clune

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. ***The*** Member States ***shall designate the competent authorities within their territory, which may be the managing body of the port, entitled*** to impose public service obligations related to port services on providers in order to ensure the following

Amendment 451
Izaskun Bilbao Barandica

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. *The managing body of the port or the Member States' competent authority* may decide to impose public service obligations related to port services on providers in order to ensure the following:

Or. es

Amendment 452
Lucy Anderson, Theresa Griffin

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

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 453
Lucy Anderson, Theresa Griffin

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

Text proposed by the Commission

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

Amendment

deleted

Amendment 454

Elissavet Vozemberg, Cláudia Monteiro de Aguiar, Dubravka Šuica, Deirdre Clune

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the availability of the service to all users, *where appropriate on equal terms*;

Or. en

Amendment 455

Izaskun Bilbao Barandica

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the availability of the service to all users, *with an obligation to meet all reasonable demands*;

Or. es

Amendment 456

Lucy Anderson, Theresa Griffin

Proposal for a regulation

Article 8 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 457

Keith Taylor, Karima Delli, Lucy Anderson

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 458

Elissavet Vozemberg, Ivo Belet, Cláudia Monteiro de Aguiar, Dubravka Šuica, Deirdre Clune

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) the provision of adequate transport services to the public;

Or. en

Justification

The main objective of the trans-European transport networks is to contribute to the smooth functioning of the internal market and the strengthening of economic, social and territorial cohesion, through inter alia allowing the seamless, safe and sustainable mobility of persons and goods, ensuring accessibility and connectivity for all regions of the Union, including the remote, insular and outermost regions.

Amendment 459

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) the health and safety of workers and the safety, security or environmental

sustainability of ports operations.

Or. en

Amendment 460
Renaud Muselier, Elissavet Vozemberg

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

Text proposed by the Commission

Amendment

(ca) territorial cohesion.

Or. fr

Amendment 461
Izaskun Bilbao Barandica

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

Text proposed by the Commission

Amendment

*(ca) minimum measures in relation to
maritime and environmental safety,
rescue and emergencies.*

Or. es

Amendment 462
Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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

Text proposed by the Commission

Amendment

*(cb) the compliance with social and
labour law, including applicable collective
agreements.*

Or. en

Amendment 463
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligations referred to in paragraph 1 shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access to all port service providers established in the Union.

deleted

Or. en

Justification

Under paragraph 1, the PSOs must be in accordance with EU law.

Amendment 464
Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligations referred to in paragraph 1 shall be **clearly defined**, transparent, non-discriminatory, verifiable and shall guarantee equality of access to all port service providers established in the Union.

2. The obligations referred to in paragraph 1 shall be transparent, non-discriminatory, verifiable and shall guarantee equality of access to all port service providers established in the Union.

Or. fr

Amendment 465
Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The obligations referred to in paragraph 1 shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access to all port service providers established in the Union.

Amendment

2. **While** the obligations referred to in paragraph 1 shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access to all port service providers established in **the Union, they are not subject to restrictions by** the Union.

Or. en

Amendment 466

Lucy Anderson, Theresa Griffin

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The **Member States shall designate the competent authorities within their territory to impose such** public service obligations. **The managing body of the port may be the** competent authority.

Amendment

3. The **managing body of the port shall ensure that** public service obligations **imposed by the Member State or competent authority are fulfilled.**

Or. en

Justification

In cases where the managing body of the port is neither the Member State nor competent authority, it should not be responsible for imposing PSOs. However it may be responsible for fulfilling those PSOs.

Amendment 467

Izaskun Bilbao Barandica

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The Member States shall designate the competent authorities within their territory

Amendment

3. The Member States shall designate the competent authorities within their territory

to impose such public service obligations.
The managing body of the port *may* be the competent authority.

to impose such public service obligations.
The managing body of the port *shall* be the competent authority *with a view to imposing these public service obligations in the area for which it is responsible*.

Or. es

Amendment 468
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. When the *competent authority designated in accordance with paragraph 3 is different from the managing body of the port*, that competent authority shall exercise the powers provided for in Articles 6 *and* 7 concerning the limitation of the number of providers of port services based on public service obligations.

Amendment

4. When the *managing body of the port is not the competent authority or Member State*, that competent authority *or Member State* shall exercise the powers provided for in Articles 6 concerning the limitation of the number of providers of port services based on public service obligations.

Or. en

Justification

Only competent authorities or Member States should be able to limit the number of providers based on public service obligations.

Amendment 469
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. If a *competent authority* decides to impose public service obligations in all *the* seaports covered by this Regulation *in a Member State*, it shall notify these

Amendment

5. If a *Member State* decides to impose public service obligations in all *its* seaports covered by this Regulation, it shall notify these obligations to the Commission.

obligations to the Commission.

Or. en

Justification

If PSOs were to be applied to all seaports in a Member State, it would follow that those PSOs would have been applied at Member State level.

Amendment 470

Luis de Grandes Pascual

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 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.

Collective actions complying with the national legislation of their respective Member State are not considered to be disruptions of port services for which emergency measures can be taken.

Or. en

Amendment 471

Rosa D'Amato, Daniela Aiuto

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 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. ***Collective actions shall not be deemed to constitute interruptions of port services warranting emergency measures, provided that the managing body of the port or the competent authority ensures that the essential basic public services offered by the port are performed at all times and in all circumstances.***

Or. it

Amendment 472

Ramon Tremosa i Balcells

**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 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.

Collective actions cannot disrupt the services given to port users. Any collective

action that may disrupt port services should be subject to emergency measures in order to avoid possible damage to port users.

Or. en

Justification

Collective actions cannot disrupt the services given to port users. Any collective action that may disrupt port services should be subject to emergency measures in order to avoid possible damage to port users.

Amendment 473

Elissavet Vozemberg, Dubravka Šuica

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 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.

Collective actions should be considered only when all other possible channels of dialogue and possible alternative solutions have been explored to avoid negative impact on port activities. Without prejudice to the right of collective actions as foreseen and regulated in the laws and regulations of the Member States.

Or. en

Justification

Disputes between employers and employees should only involve the parties concerned and dialogue to find solutions should be privileged before collective actions. In a port, disruptions in one service can result in the closing of the port and impede the provision of other port services, affecting port users and port activities.

Amendment 474 **Inés Ayala Sender**

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 ***guaranteeing compliance with national legislation on social and labour rights, in particular the right to strike***. 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. es

Justification

It should be made clear that the exceptional measures cannot be introduced to the detriment of the right to strike.

Amendment 475 **Lucy Anderson, Theresa Griffin**

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 **Member State or** 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, **Member State or** competent authority shall either launch a new procedure to select a provider of port service 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 476

Cláudia Monteiro de Aguiar

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

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 **two** 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.

shall apply Article 9.

Or. en

Justification

In some EU Member States these services are granted by means of public contracts, which need to comply with strict rules of procedure and deadlines of up to two years.

Amendment 477

Bogusław Liberadzki, Georges Bach

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. Collective actions should be taken into account only when all other possible ways of dialogue and possible alternative solutions have been explored to keep from negative impact on port activities. Emergency measures can be taken in situations where collective actions cannot be avoided thus causing disruptions of port.

Or. en

Amendment 478

Keith Taylor, Lucy Anderson, Karima Delli

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

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.

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 479

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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 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.

Or. en

Amendment 480
Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation
Article 8 – paragraph 6 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 481
Lucy Anderson, Isabelle Thomas, Siôn Simon, Theresa Griffin, Christine Revault D’Allonnes Bonnefoy

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.

Or. en

Amendment 482
Tomasz Piotr Poręba

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Internal operator

1. In the cases provided for in Article 6 (1) (b), the competent authority may decide to provide a port service under public service obligations itself or to impose such

obligations directly on 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.

2. The competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.

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.

4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

5. This Article is without prejudice to Directive/....[concession].

Or. pl

Amendment 483
Bogusław Liberadzki

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. In the cases provided for in Article 6 (1) (b), the competent authority may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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

deleted

internal operator for the purpose of this Regulation.

Or. pl

Amendment 484

Lucy Anderson, Theresa Griffin

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. *In the cases provided for in Article 6 (1) (b), the* competent authority may *decide to* provide a port service *under public service obligations* itself or *to* impose such obligations directly on 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.

Amendment

1. *The Member State or* competent authority may provide a port service itself or impose such obligations directly on 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, it may be the Member State or competent authority that is providing the port service or imposing such obligations.

Amendment 485

Ivo Belet, Helga Stevens

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. In the cases provided for in Article 6 (1) (b), the competent authority may decide to provide a port service under public service obligations itself or to impose such

Amendment

1. *The managing body of the port or the competent authority itself, or a legally distinct entity over which it exercises a control similar to that exercised over its*

obligations directly on 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.***

own departments, may provide a port service without any restrictions, provided that the provisions of article 4 of this Regulation apply equally to all operators providing the service concerned. In such cases, the provider of the port service shall be deemed, for the purpose of this Regulation, to constitute an internal operator.

In the cases provided for in Article 6 (1) (b), the ***managing body of the port or the*** competent authority may decide ***either*** to provide a port service under public service obligations itself or to impose such obligations directly on a legally distinct entity over which it exercises a control similar to that exercised over its own departments, ***including an agent (such as a pilot) employed or commissioned by the managing body of the port or the competent authority.***

Or. en

Amendment 486
Bogusław Liberadzki, Georges Bach

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. In the cases provided for in Article 6 (1) ***(b), the competent authority*** may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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.

Amendment

1. ***Exclusively*** in the cases provided for in Article 6 (1) ***(aa), or in cases where the national legislation of a Member State already so allows, the managing body of a port*** may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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.

Amendment 487

Elissavet Vozemberg, Cláudia Monteiro de Aguiar, Dubravka Šuica, Wim van de Camp

Proposal for a regulation**Article 9 – paragraph 1***Text proposed by the Commission*

1. In the cases provided for in Article 6 (1) (b), **the competent authority** may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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.

Amendment

1. **Only** in the cases provided for in Article 6 (1) (b), **or in cases where the national legislation of a Member State already so permits, the managing body of a port** may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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

In cases where managing bodies of a port may undertake commercial activities should be limited to those referred to in article 6 (1) (b).

Amendment 488

Daniel Dalton

Proposal for a regulation**Article 9 – paragraph 1***Text proposed by the Commission*

1. In the cases provided for in Article 6 (1) (b), **the** competent authority may decide to provide a port service **under public service obligations** itself or **to impose such obligations directly on** a legally distinct entity over which it exercises a control

Amendment

1. **Only** in the cases provided for in Article 6 (1) **a bis, or in cases where the national legislation of a member state already so permits, the managing body of the port or** the competent authority may decide to provide a port service itself or **through** a

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.

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

This clarification is necessary to allow ports exposed to effective competition to provide their own services in a fair and competitive manner. Otherwise publicly funded competent authorities could offer their own services in market distorting circumstances.

Amendment 489

Gesine Meissner, Pavel Telička, Catherine Bearder

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. In the cases provided for in Article 6 (1) **(b)**, **the** competent authority may decide to provide a port service under public service obligations itself or **to impose such obligations directly on** 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.

Amendment

1. **Only** in the cases provided for in Article 6 (1) **(a) or in cases when the national legislation of a Member State already so permits, the managing body of the port or the** competent authority may decide to provide a port service under public service obligations 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

It is important to safeguard rights of existing private operators which could face competition from publicly subsidised entities. Therefore, cases where managing bodies of a port may undertake commercial activities should be limited to those referred to in Art. 6 (a).

Amendment 490

Kathleen Van Brempt, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. In the cases provided for in Article 6 (1) (b), the competent authority may decide to provide a port service under public service obligations itself or to impose such obligations directly on 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.***

Amendment

1. The managing body of the port or the competent authority itself, or a legally distinct entity over which it exercises a control similar to that exercised over its own departments, may provide a port service without any restrictions, provided that the provisions of article 4 of this Regulation apply equally to all operators providing the service concerned. In such cases, the provider of the port service shall be deemed, for the purpose of this Regulation, to constitute an internal operator. In the cases provided for in Article 6 (1) (b), the ***managing body of the port or the*** competent authority may decide ***either*** to provide a port service under public service obligations itself or to impose such obligations directly on a legally distinct entity over which it exercises a control similar to that exercised over its own departments, ***including an agent (such as a pilot) employed or commissioned by the managing body of the port or the competent authority.***

Or. en

Amendment 491

Lucy Anderson, Jude Kirton-Darling, Clare Moody, Anneliese Dodds, Richard Corbett, Theresa Griffin

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 492

Bogusław Liberadzki

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.

deleted

Or. pl

Amendment 493

Lucy Anderson, Theresa Griffin

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authority shall be considered as exercising a control of a

2. In the cases provided for in paragraphs 1 and 1a, the Member State, competent

legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.

authority *or managing body of the port* shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.

Or. en

Amendment 494
Ivo Belet, Helga Stevens

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The competent authority shall be *considered as* exercising a control *of* a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence *over both the* strategic objectives and the significant decisions *of the controlled legal entity*.

Amendment

2. The *managing body of the port* competent authority shall be *deemed to be* exercising a control *over* a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence *on both its own and the controlled legal entity's* strategic objectives and the significant decisions *relating to the port service concerned*.

Or. en

Amendment 495
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

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.

Amendment

deleted

Or. en

Amendment 496
Bogusław Liberadzki

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. pl

Amendment 497
Luis de Grandes Pascual

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.

3. *In the cases provided for in Article 6(1)(b)*, 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.

Or. en

Amendment 498
Jacqueline Foster

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

3. *In the cases provided for in Article 6(1), with the exception of point (ba)*, the

the port(s) for which the assignment to provide the port service has been attributed to him.

internal operator shall be confined to perform the assigned port service only in the port *or ports* for which the assignment to provide the port service has been attributed to him.

Or. en

Justification

The competitive market exemption provided for in the utilities and concessions Directives should apply equally to other, comparable regulations about procurement. The rationale for it is that a fully competitive industry should be free to procure goods and services commercially, whereas the Directives are aimed at procurement in provision of public goods where competitive disciplines do not apply.

Amendment 499

Ivo Belet, Helga Stevens

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. **In cases provided for in point (b) of Article 6(1), an** internal operator shall be **permitted** to perform the assigned port service only in the port(s) for which the assignment to provide the port service has been **assigned** to him **and article 13 shall apply**.

Or. en

Amendment 500

Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. *The* internal operator shall be **confined** to perform the assigned port service only in

Amendment

3. **In cases provided for in point (b) of Article 6(1), an** internal operator shall be

the port(s) for which the assignment to provide the port service has been *attributed* to him.

permitted to perform the assigned port service only in the port(s) for which the assignment to provide the port service has been *assigned* to him *and article 13 shall apply*.

Or. en

Amendment 501
Inés Ayala Sender

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When a managing body of a port carries out dredging in its port area with public funds as referred to Article 12(3), it may not carry out dredging in other port areas.

Or. en

Justification

Ports carrying out their own dredging with public funds should not be allowed to offer their dredging services to other ports in order to avoid possible unfair competition with dredging undertakings which do not have public support and provide greater financial transparency.

Amendment 502
Bogusław Liberadzki

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

deleted

Or. pl

Amendment 503
Marie-Christine Arnautu

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

deleted

Or. fr

Amendment 504
Ivo Belet, Helga Stevens

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

4. If, *without prejudice to Article 8(3)*, a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

Or. en

Amendment 505
Kathleen Van Brempt, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.

4. If, *without prejudice to Article 8(3)*, a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall

inform the Commission.

Or. en

Amendment 506
Bogusław Liberadzki

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. This Article is without prejudice to Directive/....[concession]. **deleted**

Or. pl

Amendment 507
Izaskun Bilbao Barandica

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. This Article is without prejudice to Directive/..... [concession]. **deleted**

Or. es

Amendment 508
Philippe De Backer, Pavel Telička, Gesine Meissner, Matthijs van Miltenburg

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, ***provided these rules are in conformity with the EU Treaty rules.***

Amendment 509

Keith Taylor, Lucy Anderson, Karima Delli

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 510

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

1. This Regulation shall not affect the application of the social and labour rules, **including applicable collective agreements**, of the Member **State in which the port is located**.

Or. en

Amendment 511

Peter van Dalen

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

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

bodies of the port *or the competent authority* 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 *outgoing* provider of port services, to grant staff previously taken on by the *outgoing* 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 512
Rosa D'Amato, Daniela Aiuto

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 managing bodies of the port *or the competent authority* 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.

Or. it

Amendment 513
Inés Ayala Sender

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 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 ***comply with the rights to information and consultation laid down in national legislation and*** 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. es

Amendment 514
Keith Taylor, Lucy Anderson, Karima Delli

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 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 515

Christine Revault D'Allonnes Bonnefoy, Isabelle Thomas

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 relevant Union and national law including rules on collective agreements between social partners, the managing bodies of the port *or the competent authority shall* require the designated provider of port services appointed, 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. *In the case of a port service governed by a public service obligation, the managing bodies of the port or the competent authority shall require the designated provider, where this provider is different from the incumbent provider of port services, to carry out the obligatory transfer of staff and to ensure that the staff are accorded the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.*

Amendment 516

Elissavet Vozemberg, Cláudia Monteiro de Aguiar, Dubravka Šuica, Salvatore Domenico Pogliese, Massimiliano Salini, Deirdre Clune

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 managing bodies of the port *might* 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.

Or. en

Amendment 517

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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*

Amendment

2. Without prejudice to national and Union law including collective agreements between social partners, *at European, national, regional or local level, the Member States shall* 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*

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.

commercial operations, to respect the rights in terms of information and consultation of 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

Amendment 518
Marie-Christine Arnautu

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Without prejudice to national 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 managing bodies of the port may require the designated provider of port services, newly 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.

Or. fr

Amendment 519
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 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 ***or competent authorities*** 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. it

Amendment 520

Stelios Kouoglou, Rina Ronja Kari, Fabio De Masi

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. Managing bodies of the port require ***all*** providers of port services to comply with ***all social and labour*** standards as ***set out in Union or national law including 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. en

Amendment 521

Stelios Kouoglou, Rina Ronja Kari, Fabio De Masi

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Working arrangement shall ensure the protection and continuation of employment in accordance with Member States rules and applicable collective agreements, and in line with ILO Convention No 137. Member States, in full cooperation with the social partners, shall take actions to ensure a balance between the fluctuation in demand for port work and the continuity and protection of employment.

Or. en

Amendment 522

Peter van Dalen

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Training and labour protection

1. The provider of a port service 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 risks which the work may entail.

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 workers engaged in the provision of port services. Such training requirements shall be regularly updated in order to reduce on an ongoing basis the occurrence of accidents at the

workplace.

Or. en

Amendment 523
Bogusław Liberadzki, Georges Bach

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Training

1. The employer shall ensure that its employees receive the necessary training to acquire appropriate knowledge of the conditions in which their work is conducted and that they are properly trained to perform the work.

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. Those guidelines would enable port workers to acquire the necessary skills to perform their tasks and would aim at ensuring 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.

Or. en

Amendment 524
Gesine Meissner, Pavel Telička

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Training

1. The employer shall ensure that its employees receive the necessary training to acquire appropriate knowledge of the conditions in which their work is conducted and that they are properly trained to perform the work.

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. Those guidelines would enable port workers to acquire the necessary skills to perform their tasks and would aim at ensuring 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.

Or. en

Amendment 525

Keith Taylor, Karima Delli, Lucy Anderson

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 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 and flexibility required by port operations, on the one hand, and continuity and protection of employment, on the other hand.

Or. en

Amendment 526

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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.

4. Without prejudice to national law and applicable collective agreements, the employer shall ensure that working time arrangements safeguard the health and safety of its employees and are in line with Directive 2003/88/EC.

Or. en

Amendment 527

Elissavet Vozemberg, Ivo Belet, Cláudia Monteiro de Aguiar, Dubravka Šuica, Deirdre Clune

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Training

1. The employer shall ensure that its employees receive the necessary training to acquire appropriate knowledge of the conditions in which their work is conducted and that they are properly trained to perform the work.

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. Those requirements would enable port workers to acquire the necessary skills to perform their tasks and would aim at ensuring 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.

Or. en

Justification

It is very important to ensure that workers are provided with appropriate training based on up-to-date requirements. Training is not only meant to improve health and safety but also to give an opportunity to port workers to acquire new skills. The new skills enable port workers to perform thus contributing to the competitiveness of the company.

Amendment 528
Luis de Grandes Pascual

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. en

Amendment 529
Peter Lundgren

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

deleted

Or. en

Amendment 530
Peter van Dalen

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, *mooring*, passenger services *and pilotage*.

Or. en

Amendment 531
Dominique Riquet

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 *pilotage services and* cargo handling and passenger services.

Or. fr

Justification

The increase in the number of service-providers which would result from application of Chapter II of this Regulation to maritime pilots would not allow them to work in appropriate conditions and would not be economically effective owing to the disappearance of economies of scale.

Amendment 532

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

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 ***pilotage***, cargo handling services and passenger services.

Or. en

Amendment 533

Elissavet Vozemberg, Renaud Muselier, Cláudia Monteiro de Aguiar, Dubravka Šuica

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 ***pilotage***, cargo handling services and passenger services.

Or. en

Justification

Pilotage provides an essential and unique service to the shipping industry, which if open to competition would jeopardise maritime safety and security, the protection of the environment and the efficiency of ports. This service should be therefore excluded from the scope of this Chapter.

Amendment 534
Renaud Muselier

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 pilotage, cargo handling services, passenger services **and mooring**.

Or. fr

Amendment 535
Lucy Anderson, Keith Taylor, Theresa Griffin, Karima Delli

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 10** and the transitional provisions of Article 24 shall not apply to cargo handling services, passenger services, **pilotage, towage and mooring**.

Or. en

Amendment 536
Christine Revault D'Allonnes Bonnefoy, Isabelle Thomas

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 to pilotage, towing, mooring and bunkering** services.

Amendment 537

Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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), 10**, and the transitional provisions of Article 24 shall not apply to cargo handling services, passenger services, **pilotage and towage**.

Or. en

Amendment 538

Isabelle Thomas, Christine Revault D’Allonnes Bonnefoy

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, **bunkering, mooring, port reception facilities, pilotage and towage**.

Or. fr

Amendment 539

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation

Article 11 – paragraph 1 a1 (new)

Text proposed by the Commission

Amendment

Member States may decide not to apply

any limitations and public service obligations to one or more categories of port services. In such cases, this Chapter and the transitional provisions of Article 24 do not apply to such services.

Or. en

Amendment 540
Dominique Riquet

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Member States may decide not to apply this Regulation to mooring services. When Member States decide not to apply this Regulation to such services, they shall notify the Commission of this decision.

Or. fr

Justification

The increase in the number of service-providers which would result from application of Chapter II of this Regulation to mooring operators might prevent them from working in appropriate conditions. The Member States should therefore be left to decide whether to exclude them from the application of Chapter II of this Regulation.

Amendment 541
Tomasz Piotr Poręba

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may decide not to apply any limitations and public service obligations to one or more categories of port services. In such cases, this Chapter and the transitional provisions of Article

24 do not apply to such services.

Or. en

Amendment 542
Peter Lundgren

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Pilotage Exemption Certificates

1. Member States shall grant Pilotage Exemption Certificates.

2. The requirements set for the Pilotage Exemption Certificates should be transparent, non-discriminatory and not go beyond what is necessary to fulfil the objectives which they pursue.

Or. en

Amendment 543
Gesine Meissner

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Derogation for public pilotage

1. A Member State may decide not to apply this Chapter and the transitional provisions of Article 24 to providers of pilotage over which it exercises a control similar to that exercised over its own departments.

2. A Member State shall be considered as exercising a control similar to that

exercised to its own departments only if it employs or commissions the pilots or if it exercises a decisive influence over both the strategic objectives and the significant decisions of the providers of pilotage.

3. The Member State shall inform the Commission thereof and apply Article 13 to pilotage.

Or. en

Justification

A Member State which is organising and controlling pilotage itself should be able to exempt it from Chapter II. The provisions ensuring the proportionality and transparency of pilotage charges should fully apply.

Amendment 544

Gesine Meissner, Philippe De Backer

Proposal for a regulation

Article 11 b (new)

Text proposed by the Commission

Amendment

Article 11b

Pilotage Exemption Certificate

1. When safety conditions allow it, Member States shall ensure that Pilotage Exemption Certificates can be granted for regular maritime lines. The criteria to grant such certificates shall be defined by the Member States after a risk assessment and take into account local conditions.

2. The corresponding requirements shall be transparent, non-discriminatory and not go beyond what is necessary to fulfil the objectives which the Pilot Exemption Certificates pursue.

Or. en

Justification

Pilotage should be organised in the safest and most efficient way. When safety conditions allow it, 'Pilot Exemption Certificates' should be made available to the captains of regular short sea shipping who have the necessary local knowledge and qualifications.

Amendment 545

Gesine Meissner, Pavel Telička

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. The financial relations between public authorities and a managing body of *the port that receives* public funds shall be reflected in a transparent way in the *accounts* in order to clearly show the following:

Amendment

1. The financial relations between public authorities and a managing body of *a port, or other entity that provides port services on its behalf, in receipt of* public funds shall be reflected in a transparent way in the *accounting system* in order to clearly show the following:

Or. en

Justification

The public funds received by entities providing port services and dredging on behalf of a port managing body should be transparent.

Amendment 546

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity separate from the accounts of its other activities, in such a way that :

Amendment

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity *or investment* separate from the accounts of its other activities, in such a way that :

Or. en

Amendment 547
Inés Ayala Sender

Proposal for a regulation
Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity separate from the accounts of its other activities, in such a way that :

Amendment

2. Where the managing body of the port that receives public funds provides port services itself **or dredging**, it shall keep the accounts of each port service activity **and of dredging** separate from the accounts of its other activities, in such a way that :

Or. en

Justification

Ports carrying out their own dredging with public funds should not be allowed to offer their dredging services to other ports in order to avoid possible unfair competition with dredging undertakings which do not have public support and provide greater financial transparency.

Amendment 548
Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation
Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity separate from the accounts of its other activities, in such a way that :

Amendment

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity **or investment** separate from the accounts of its other activities, in such a way that :

Or. en

Amendment 549
Ivo Belet, Helga Stevens

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep ***the accounts of each port service activity*** separate from ***the accounts of*** its other activities, in such a way that:

Amendment

2. Where the managing body of the port that receives public funds provides port services itself ***or dredging***, it shall keep ***any public funds received fully transparent and*** separate from its other activities ***in the accounting system***, in such a way that:

Or. en

Amendment 550

Gesine Meissner, Pavel Telička

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of ***the port that receives*** public funds provides port services itself, it shall keep the accounts of ***each*** port service activity separate from the accounts of its other activities, in such a way that:

Amendment

2. Where the managing body of ***a port in receipt of*** public funds provides port services ***or dredging, within the port area which falls into the legal competence of the managing body of the port, itself, or other entity provides port services or dredging, within the port area which falls into the legal competence of the managing body of the port, on its behalf,*** it shall keep the accounts of ***that publicly funded*** port service activity ***or dredging*** separate from the accounts of its other activities, in such a way that:

Or. en

Justification

The public funds received by entities providing port services and dredging on behalf of a port managing body should be transparent.

Amendment 551

Kathleen Van Brempt, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep ***the accounts of each port service activity separate from the accounts of its other activities***, in such a way that:

Amendment

2. Where the managing body of the port that receives public funds provides port services itself ***or dredging***, it shall keep ***any public funds received fully transparent and separate from its other activities in the accounting system***, in such a way that:

Or. en

Amendment 552

Keith Taylor, Lucy Anderson, Karima Delli

Proposal for a regulation

Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the managing body of the port that receives public funds provides port services itself, it shall keep ***the accounts of each*** port service ***activity separate from the accounts of*** its other activities, in such a way that:

Amendment

2. Where the managing body of the port that receives public funds provides port services itself ***and receives public funds for those port services***, it shall keep ***two separate*** accounts, ***one for the*** port service ***activities for which it receives public funding and another for*** its other activities, in such a way that:

Or. en

Amendment 553

Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and

(a) all costs and revenues are correctly assigned or allocated ***for every single service provided*** on the basis of consistently applied and objectively justifiable cost accounting principles; and

Or. en

Justification

In the case of the managing body of the port that receives public funding and at the same time provides port services it seems appropriate to add the details provided in this amendment, in order to better prove the transparency of financial relations.

Amendment 554

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and

(a) all costs and revenues are correctly assigned or allocated ***for every single service provided*** on the basis of consistently applied and objectively justifiable cost accounting principles; and

Or. en

Justification

In the case of the managing body of the port that receives public funding and at the same time provides port services it seems appropriate to add the details provided in this amendment, in order to better prove the transparency of financial relations.

Amendment 555

Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, ***dividends paid out and profits retained*** or any other form of public financial support.

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, ***the granting of financial advantages by forgoing profits and recovery of sums due*** or any other form of public financial support.

Or. en

Amendment 556

Elissavet Vozemberg, Wim van de Camp, Ivo Belet, Renaud Muselier, Cláudia Monteiro de Aguiar, Dubravka Šuica

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, ***dividends paid out and profits retained*** or any other form of public financial support.

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities or any other form of public financial support.

Or. en

Justification

Port authorities should not be in a stricter regime than other companies, where shareholders can decide to - or not to - pay a dividend. The same should count for port authorities and should not be seen as public funding.

Amendment 557

Philippe De Backer, Pavel Telička

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, *dividends paid out and profits retained* or any other form of public financial support.

Amendment

3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, *the granting of financial advantages by forgoing profits and recovery of sums due* or any other form of public financial support.

Or. en

Amendment 558

Renaud Muselier

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The managing body of the port shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 of this Article at the disposal of the Commission and of the competent *independent supervisory* body *as referred to in Article 17* for five years from the end of the fiscal year to which the information refers.

Amendment

4. The managing body of the port shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 of this Article at the disposal of the Commission and of the competent *national* body for five years from the end of the fiscal year to which the information refers.

Or. fr

Amendment 559
Renaud Muselier

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The managing body of the port shall make available to the Commission and the competent ***independent supervisory*** body, upon request, any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Amendment

5. The managing body of the port shall make available to the Commission and the competent ***national*** body, upon request, any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Or. fr

Amendment 560
Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The managing body of the port shall make available to the ***Commission and the competent independent supervisory body, upon request,*** any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Amendment

5. The managing body of the port, ***or another entity that provides port services on its behalf,*** shall, ***in the event of a formal complaint and upon request,*** make available to the ***relevant national authority the information referred to in paragraphs 1 and 2 and*** any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Or. en

Amendment 561

Ivo Belet, Philippe De Backer, Helga Stevens, Pavel Telička

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

5. The managing body of the port shall make available to the **Commission and the competent independent supervisory body, upon request**, any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Amendment

5. The managing body of the port, **or other entity that provides port services on its behalf**, shall, **in the event of a formal complaint and upon request**, make available to the **relevant national authority the information referred to in paragraphs 1 and 2 and** any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.

Or. en

Amendment 562

Werner Kuhn

Proposal for a regulation

Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States may decide that paragraph 2 shall not apply to their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, provided that any public funds received, and their use for providing port services, remain fully transparent in the accounting system. In such case, the Member States shall inform the Commission thereof in advance.

Or. de

Amendment 563
Ivo Belet, Helga Stevens

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Public funds, referred to in paragraph 1 and 3 made available to the managing body of the port in order to either partly or entirely finance general infrastructure or port infrastructure stay within the public remit, as long as these infrastructures are managed in a non-commercial way and do not favour one or more identifiable port users within a larger group.

Or. en

Amendment 564
Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Public funds, referred to in paragraph 1 and 3 made available to the managing body of the port in order to either partly or entirely finance general infrastructure or port infrastructure stay within the public remit, as long as these infrastructures are managed in a non-commercial way and do not favour one or more identifiable port users within a larger group.

Or. en

Justification

In order to coherently apply state aid rules, the relation between the managing body of the port (as manager of infrastructure) and the user of this infrastructure needs to be qualified. If this relationship is non-commercial, the funding stays within the public remit.

Amendment 565
Jacqueline Foster

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States may decide that paragraph 2 shall not apply to their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, provided that any public funds received, and their use for providing port services, remain fully transparent in the accounting system. In such case, the Member States shall inform the Commission thereof in advance.

Or. en

Justification

In accordance with the principle of regulatory proportionality, this will reduce the accounting workload on smaller ports.

Amendment 566
Elissavet Vozemberg, Luis de Grandes Pascual, Cláudia Monteiro de Aguiar, Dubravka Šuica

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States will have the possibility to decide that paragraph 2 shall not apply to their ports of the comprehensive network that do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, seeing that any public funds received, and

their use for providing port services, remain fully transparent in the accounting system. In that case, the Member States shall inform the Commission accordingly in advance.

Or. en

Justification

Member States should have the possibility to decide not to apply this Regulation to maritime ports of comprehensive trans-European transport network in order to avoid administrative burdens and extra costs for these ports.

Amendment 567
Miltiadis Kyrkos

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States may decide not to apply the rules on the separation of accounts of paragraph 2 to small ports in the comprehensive network, in cases where they do not meet the criteria set out in Article 20(2)(b) of Regulation (EU) No 1315/2013 and whose traffic do not justify this disproportionate administrative burden. Receipt and use of public funds shall continue be reflected in the accounting system in a transparent way. In such case the Member States shall inform the Commission beforehand.

Or. en

Justification

Small ports whose traffic is not intense and have low financial activity should not be subject to disproportionate administrative burden, provided that transparency regarding receipt and use of public funds is maintained.

Amendment 568
Ivo Belet, Helga Stevens

Proposal for a regulation
Article 12 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Public funds made available to the managing body of the port in order to either partly or entirely finance the superstructure fall outside the public remit as they are directly related to the benefit of the individual port user involved.

Or. en

Amendment 569
Kathleen Van Brempt, Christine Revault D’Allonnes Bonnefoy

Proposal for a regulation
Article 12 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Public funds made available to the managing body of the port in order to either partly or entirely finance the superstructure fall outside the public remit as they are directly related to the benefit of the individual port user involved.

Or. en

Amendment 570
Lucy Anderson, Jude Kirton-Darling, Clare Moody, Anneliese Dodds, Richard Corbett, Theresa Griffin

Proposal for a regulation
Article 13

Article 13

deleted

Port service charges

1. The charges for the services provided by an internal operator as referred to in Article 9 and the charges levied by providers of port service, in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory, shall be set in a transparent and non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, the provider of port service and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.

3. The port service provider shall make available to the competent independent supervisory body as referred to in Article 17, upon request, information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. This information shall include the methodology used for setting the port charges with regard to the facilities and services to which these port service charges relate to.

Or. en

Amendment 571
Rosa D'Amato, Daniela Aiuto

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The charges for the services provided by an internal operator as referred to in Article 9 and the charges levied by providers of port service, ***in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory***, shall be set in a transparent and non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

Amendment

1. The charges for the services provided by an internal operator as referred to in Article 9 and the charges levied by providers of port service shall be set in a transparent and non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

Or. it

Amendment 572
Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. ***The*** charges for the services provided by an internal operator *as* referred to in Article 9 and the charges levied by providers of port service, ***in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory***, shall be set in a transparent and non-discriminatory way. ***These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.***

Amendment

1. Charges for the services provided by an internal operator, referred to in Article 9, and the charges levied by providers of port ***services are*** set in a transparent and non-discriminatory way.

Or. en

Justification

The principles of transparency and non-discrimination are absolute values, and the compliance to these principles must be ensured in all cases; and not just in cases of limiting the number of providers or when the services have not been assigned on the basis of transparent and non-discriminatory procedures.

Amendment 573

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. The charges for the services provided by an internal operator *as* referred to in Article 9 and the charges levied by providers of port *service, in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory, shall be* set in a transparent and *non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.*

Amendment

1. The charges for the services provided by an internal operator, referred to in Article 9 and the charges levied by providers of port *services are* set in a transparent and *non-discriminatory way.*

Or. en

Justification

The principles of transparency and non-discrimination are absolute values, and the compliance to these principles must be ensured in all cases; and not just in cases of limiting the number of providers or when the services have not been assigned on the basis of transparent and non-discriminatory procedures.

Amendment 574

Bogusław Liberadzki, Georges Bach

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. The charges for the services provided by an internal operator as referred to in Article 9 **and the charges levied by providers of port service, in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory**, shall be set in a transparent and non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

Amendment

1. The charges for the services provided by an internal operator **under public service obligation** as referred to in article 9(1), the charges **for pilotage services that are not exposed to effective competition and the charges levied by providers of port service, as referred to in Article 6(1)(aa)**, shall be set in a transparent and non-discriminatory way. These charges shall, reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

Or. en

Amendment 575

Daniel Dalton

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, the provider of port service and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.

Amendment

2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, **where the port infrastructure is publicly funded or where the port infrastructure is not exposed to effective competition**, the provider of port service and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.

Or. en

Justification

Ports should be commercial businesses and this administrative burden should only be required where the port infrastructure is in receipt of public funds or is not exposed to

effective competition.

Amendment 576

Renaud Muselier

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. The port service provider shall make available to the competent *independent supervisory* body *as referred to in Article 17*, upon request, information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. This information shall include the methodology used for setting the port charges with regard to the facilities and services to which these port service charges relate to.

Amendment

3. The port service provider shall make available to the competent *national* body, *in the event of a formal complaint and* upon request, information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. This information shall include the methodology used for setting the port charges with regard to the facilities and services to which these port service charges relate to.

Or. fr

Amendment 577

Lucy Anderson, Jude Kirton-Darling, Clare Moody, Anneliese Dodds, Richard Corbett, Theresa Griffin

Proposal for a regulation

Article 14

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 578

Luis de Grandes Pascual

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. *The managing body of the port* shall *levy* a port infrastructure charge. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Amendment

1. *Member States* shall *ensure that* a port infrastructure charge *is levied*. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Or. en

Amendment 579
Rosa D’Amato, Daniela Aiuto

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. *The managing body of the port* shall *levy* a port infrastructure charge. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Amendment

1. *Member States* shall *ensure that* a port infrastructure charge *is levied*. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Or. it

Amendment 580
Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. *The managing body of the port* shall *levy* a port infrastructure charge. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Amendment

1. *Member State* shall *ensure that* a port infrastructure charge *is levied*. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Or. en

Justification

In some Member States port infrastructure charges have the nature of taxes. In respect of the prerogatives of each Member State taxation system, it seems appropriate that such modality of taxation for port infrastructure charge is preserved.

Amendment 581

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. **The managing body of the port** shall **levy** a port infrastructure charge. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Amendment

1. **Member State** shall **ensure that** a port infrastructure charge **is levied**. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Or. en

Justification

In some Member States port infrastructure charges have the nature of taxes. In respect of the prerogatives of each Member State taxation system, it seems appropriate that such modality of taxation for port infrastructure charge is preserved.

Amendment 582

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. The payment of the port infrastructure charges may be integrated in other payments, such as the payment of the port service charges. In this case, the managing body of the port shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.

Amendment

2. The payment of the port infrastructure charges may be integrated in other payments, such as the payment of the port service charges. In this case, **where the port infrastructure is publicly funded or where the port infrastructure is not exposed to effective competition**, the managing body of the port shall make sure that the amount of the port infrastructure

charge remains easily identifiable by the user of the port infrastructure.

Or. en

Justification

Ports should be commercial businesses and this administrative burden should only be required where the port infrastructure is in receipt of public funds or is not exposed to effective competition.

Amendment 583

Luis de Grandes Pascual

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 determined according to its national ports policy and/or the individual port's*** commercial strategy and investment plan ***and comply with competition rules, where applicable.***

Or. en

Amendment 584

Rosa D'Amato, Daniela Aiuto

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***

Amendment

3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined according to ***the*** commercial ***strategies*** and investment

according to *its own* commercial *strategy* and investment *plan reflecting* competitive conditions of the relevant market *and in accordance with* State aid rules.

plans of individual ports and/or national port strategies, without infringing the competitive conditions of the relevant market *or* State aid rules.

Or. it

Amendment 585

Massimiliano Salini, Salvatore Domenico Pogliese

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 *determined according to national ports policy and/or the individual port's* commercial strategy and investment plan *and comply with competition rules, where applicable.*

Or. en

Justification

In some Member States port infrastructure charges have the nature of taxes. In respect of the prerogatives of each Member State taxation system, it seems appropriate that such modality of taxation for port infrastructure charge is preserved also taking into account, where applicable, competition rules.

Amendment 586

Isabella De Monte, David-Maria Sassoli

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

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 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.

structure and the level of port infrastructure charges shall be ***determined according to national ports policy and/or the individual port's*** commercial strategy and investment plan ***and comply with competition*** rules, ***where applicable***.

Or. en

Justification

In some Member States port infrastructure charges have the nature of taxes. In respect of the prerogatives of each Member State taxation system, it seems appropriate that such modality of taxation for port infrastructure charge is preserved also taking into account, where applicable, competition rules.

Amendment 587
Ivo Belet, Helga Stevens

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 ***nature***, structure and the level of port infrastructure charges shall be ***determined according to national or individual ports policy and/or the individual port's*** commercial ***economic*** strategy and investment plan ***and comply with competition*** rules, ***where applicable***.

Or. en

Amendment 588
Kathleen Van Brempt, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

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 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.***

3. In order to contribute to an efficient infrastructure charging system, the ***nature, the structure and the level of port infrastructure charges shall be set according to national or individual port policy and/or economic strategy and investment plan and shall comply with competition rules, where this is applicable.***

Or. en

Amendment 589
Inés Ayala Sender

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

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 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.

3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined by the ***competent authority*** reflecting competitive conditions of the relevant market and in accordance with State aid rules.

Or. en

Justification

Some Member States define their port charges directly by the Parliament rather than through the managing authority of the port. This is the case not only for ports, but it is also established and allowed by EU legislation in the rail and airport sectors. In order to respect the different systems in the European Union, it should be also allowed for the ports provided that the charges are not discriminatory and comply with state aid legislation.

Amendment 590
Izaskun Bilbao Barandica

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 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 **rules on State aid and competition**.

Or. es

Amendment 591
Peter van Dalen

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **commercial practices** related to **frequent** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria **used** for such a variation shall be **relevant, objective, transparent and non-discriminatory and in due respect of the** competition rules. **The resulting variation shall in particular be available to all relevant port service users on equal terms.**

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **the port's economic strategy and the port's spatial planning policy, related inter alia to certain categories of** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be **non-discriminatory on the basis of nationality and shall comply with state aid and** competition rules. **Port infrastructure charges may vary also in accordance with commercial practices.**

Or. en

Amendment 592
Ramon Tremosa i Balcells

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **commercial practices** related **to frequent** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria **used** for such a variation shall be relevant, **objective, transparent** and non-discriminatory **and in due respect of the** competition rules. **The resulting variation shall in particular be available to all relevant port service users on equal terms.**

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **the port's economic strategy and the port's spatial planning policy**, related **inter alia to certain categories of** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be relevant, **transparent, objective** and non-discriminatory **on the basis of nationality and shall comply with state aid and** competition rules. **Port infrastructure charges may vary also in accordance with commercial practices related inter alia to certain categories of users.**

Or. en

Amendment 593
Elissavet Vozemberg, Wim van de Camp, Renaud Muselier, Deirdre Clune

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **commercial practices** related **to frequent** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **the port's economic strategy and the port's spatial planning policy**, related **inter alia to certain categories of** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high

operations. The criteria *used* for such a variation shall be ***relevant, objective, transparent and non-discriminatory and in due respect of the*** competition rules. ***The resulting variation shall in particular be available to all relevant port service users on equal terms.***

environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be ***non-discriminatory on the basis of nationality and shall comply with state aid and*** competition rules. ***Port infrastructure charges may vary also in accordance with commercial practices related inter alia to certain categories of users.***

Or. en

Justification

The managing body of the port should have full autonomy to set and modulate its charges in accordance with the strategy of the port. Of course the principle of non-discrimination on the basis of nationality, as well as state aid and competition rules should be respected. It should also be stated that even if the charges are set, they can vary on the basis of commercial practices.

Amendment 594 Philippe De Backer

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with commercial practices related to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be ***relevant, objective, transparent and non-discriminatory and in due respect of the competition rules.*** ***The resulting variation shall in particular be available to all relevant port service users on equal terms.***

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with ***the port's economic strategy and with*** commercial practices related to frequent users, or in order to promote ***amongst others*** a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be in due respect of the competition ***and state aid rules.***

Or. en

Amendment 595
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with commercial practices related *to frequent* users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria *used* for such a variation shall be relevant, ***objective, transparent and non-discriminatory and in due respect of the*** competition rules. ***The resulting variation shall in particular be available to all relevant port service users on equal terms.***

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with ***the port's economic strategy, the port's spatial planning policy, and/or*** commercial practices, related ***inter alia to certain categories of*** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be relevant, ***transparent, objective and comply with state aid and*** competition rules.

Or. en

Justification

All the port infrastructures charges may vary according to the criteria referred. The managing body of the port should be granted greater flexibility to set charges according to its business strategy and commercial practices, port's spatial planning and should not only be limited to commercial practices related to frequent users.

Amendment 596
Ivo Belet, Helga Stevens

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with ***commercial practices*** related *to frequent* users, or in order to

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with ***the port's economic strategy and the port's spatial planning***

promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory **and in due respect of the competition rules**. The resulting variation shall in particular be available to all relevant port service users on equal terms.

policy, related **inter alia to certain categories of** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory. The resulting variation shall in particular be available to all relevant port service users on equal terms.

Or. en

Amendment 597

Kathleen Van Brempt, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **commercial practices** related to **frequent** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory **and in due respect of the competition rules**. The resulting variation shall in particular be available to all relevant port service users on equal terms.

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **the port's economic strategy and the port's spatial planning policy**, related to **certain categories of** users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory. The resulting variation shall in particular be available to all relevant port service users on equal terms.

Or. en

Amendment 598

Keith Taylor, Karima Delli

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with commercial practices **related** to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory and in due respect of the competition rules. The resulting variation shall in particular be available to all relevant port service users on equal terms.

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with **the port's economic strategy, commercial practices and spatial planning policy. These charges may thus vary in relation** to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall **take into account external costs**, be relevant, objective, transparent and non-discriminatory and in due respect of the competition rules. The resulting variation shall in particular be available to all relevant port service users on equal **non-discriminatory** terms.

Or. en

Amendment 599
Izaskun Bilbao Barandica

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with commercial practices related to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory and in due respect of the competition rules. The resulting variation shall in particular be

Amendment

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with, **inter alia**, commercial practices related to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory and in due respect of the competition rules. The resulting variation shall in particular be

available to all relevant port service users
on equal terms.

available to all relevant port service users
on equal terms.

Or. es

Amendment 600
Ramon Tremosa i Balcells

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 common charging principles for port infrastructure charges. **deleted**

Or. en

Justification

This regulation recognises the right of port authorities to set their own charges in an autonomous way in accordance with their own commercial strategy and investment plans. The environmental strategy is in many European ports a prominent part of the overall strategy. It is therefore important that also in that respect ports can decide in an autonomous way to and in which environmental charging scheme they participate. There are different schemes already existing and ports are increasingly participating in these schemes. No top down initiative is needed here.

Amendment 601
Peter Lundgren

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to **deleted**

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 common charging principles for port infrastructure charges.

Or. en

Amendment 602
Renaud Muselier

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 common charging principles for port infrastructure charges. *deleted*

Or. fr

Amendment 603
Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 *deleted*

infrastructure charges can vary and common charging principles for port infrastructure charges.

Or. en

Justification

The Commission should not be empowered to adopt delegated acts in this matter. It would interfere with the free market principle.

Amendment 604
Jacqueline Foster

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 common charging principles for port infrastructure charges. *deleted*

Or. en

Justification

The Commission should not be empowered to stipulate environmental charge modulations or other facets of the level and structure of port charges, which should be determined commercially.

Amendment 605
Tomasz Piotr Poręba

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 common charging principles for port infrastructure charges. **deleted**

Or. pl

Amendment 606
Miltiadis Kyrkos

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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 common charging principles for port infrastructure charges. **deleted**

Or. en

Justification

Common classifications of vessels, fuels and types of operations should be developed at global level in line with international standards and consequently left to the International Maritime Organisation (IMO).

Amendment 607

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Cláudia Monteiro de Aguiar, Dubravka Šuica, Wim van de Camp

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 common charging principles for port infrastructure charges***.

Amendment

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

Or. en

Justification

The Commission's power to adopt delegated act should be strictly limited. Common classifications of vessels and fuels should be set in line with international standards.

Amendment 608
Renaud Muselier

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

6. The managing body of the port shall inform port users and the representatives or associations of port users about the structure and the criteria used to determine the amount of the port infrastructure charges, including the total costs and revenues serving as a basis to determine the structure and the level of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

Amendment

6. The managing body of the port ***or the competent authority*** shall inform port users and the representatives or associations of port users about the structure and the criteria used to determine the amount of the port infrastructure charges, including the total costs and revenues serving as a basis to determine the structure and the level of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

Amendment 609

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

6. The managing body of the port shall inform port users and the representatives or associations of port users about the structure and the criteria used to determine the amount *of the port infrastructure charges, including the total costs and revenues serving as a basis to determine the structure and the level* of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

Amendment

6. The managing body of the port shall inform port users and the representatives or associations of port users *in a transparent manner* about the structure and the criteria used to determine the amount of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

Or. en

Justification

The obligation not to disclose the differentiation of the charges that are a result of individual negotiations seems to be not in line with the general principles of transparency, which are the basis of the present regulation.

Amendment 610

Bogusław Liberadzki, Georges Bach

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

6. The managing body of the port shall inform port users and the representatives or associations of port users about the structure and the criteria used to determine

Amendment

6. The managing body of the port shall inform port users and the representatives or associations of port users *in a transparent way* about the structure and the criteria

the amount *of the port infrastructure charges, including the total costs and revenues serving as a basis to determine the structure and the level* of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

used to determine the amount of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance.

In situations where port authorities introduce differentiated charging, it is important that clear and transparent criteria will be communicated by port authorities to port infrastructure users.

Or. en

Amendment 611
Luis de Grandes Pascual

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. The managing body of the port shall make available to the *competent independent supervisory body* and to the Commission, *upon request*, the information referred to in paragraph 4 *and the detailed costs and revenues, serving as a basis to determine the structure and* the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Amendment

7. The managing body of the port shall, *upon request*, make available to the *body designated pursuant to Article 17* and to the Commission, the information referred to in paragraph 4, the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Or. en

Amendment 612
Renaud Muselier

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. The managing body of the port shall make available to the competent **independent supervisory** body and to the Commission, upon request, the information referred to in paragraph 4 and the detailed costs and revenues, serving as a basis to determine the structure and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Amendment

7. The managing body of the port shall make available to the competent **national** body and to the Commission, **in the event of a formal complaint and** upon request, the information referred to in paragraph 4 and the detailed costs and revenues, serving as a basis to determine the structure and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Or. fr

Amendment 613
Keith Taylor, Karima Delli

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. The managing body of the port shall make available to the competent independent supervisory body and to the Commission, upon request, the information referred to in paragraph 4 and the detailed costs and revenues, serving as a basis to determine the structure and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Amendment

7. The managing body of the port shall make available to the competent independent supervisory body and to the Commission, upon request, **in a transparent manner** the information referred to in paragraph 4 and the detailed costs and revenues, serving as a basis to determine the structure and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.

Or. en

Amendment 614
Peter van Dalen

Proposal for a regulation
Article 15 – title

Text proposed by the Commission

Consultation of port users

Amendment

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

Or. en

Amendment 615
Ramon Tremosa i Balcells

Proposal for a regulation
Article 15 – title

Text proposed by the Commission

Consultation of port users

Amendment

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

Or. en

Amendment 616
Henna Virkkunen

Proposal for a regulation
Article 15 – title

Text proposed by the Commission

Consultation of port users

Amendment

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

Or. en

Justification

Combines titles for Articles 15 and 16. If adopted, deletes the title for Article 16.

Amendment 617
Renaud Muselier

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.

Amendment

Deleted

Or. fr

Amendment 618
Peter van Dalen

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.

Amendment

1. Without prejudice to the competence on the issues listed in points (a) to (d) of this paragraph, the managing body of the port shall when appropriate consult representatives of port users, providers of port services and other relevant stakeholders at least on the following:

(a) the charging policy;

(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;

(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them, as well as the proper coordination of port

services within the port area;
(d) environmental issues.

Or. en

Amendment 619
Ramon Tremosa i Balcells

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall *establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.*

Amendment

1. *Without prejudice to the competence on the issues listed in points (a) to (d) of this paragraph, the managing body of the port shall when appropriate consult representatives of port users, providers of port services and other relevant stakeholders at least on the following:*

(a) the general charging policy;

(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;

(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them, as well as the proper coordination of port services within the port area;

(d) environmental issues.

Or. en

Justification

The principle that there is a dialogue with port users’ representatives on the charging of port infrastructure and port services is a sound one. This already happens in practice. Port authorities have regular contacts with their customers as a normal commercial practice. Imposing strict EU rules is unnecessary and could lead to duplication of forums and processes. It should be left to the managing body of the port to organise such dialogue according to its particular circumstances (e.g. the scale of a port) and needs (e.g. commercial

strategy, development plans), while complying with this basic principle. It seems in that respect more appropriate to merge and rephrase article 15 and 16 setting the principles of stakeholder and port users consultation without interfering with the details of how this should be done.

Amendment 620
Henna Virkkunen

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall *establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.*

Amendment

1. The managing body of the port shall *when appropriate consult representatives of port users, providers of port services and other relevant stakeholders at least on the following:*

(a) the charging policy;

(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;

(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them, as well as the proper coordination of port services within the port area;

(d) environmental issues;

Or. en

Justification

Combines Articles 15 and 16. If adopted, deletes Article 15 - paragraph 2 and Article 16 - paragraphs 1 and 2

Amendment 621
Keith Taylor, Lucy Anderson, Karima Delli

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The managing body of the port shall establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.

Amendment

1. The managing body of the port shall establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users ***such as representatives from interconnected transport service operators*** which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the ‘port users’ advisory committee’.

Or. en

Justification

Include representative citizen’s organisations of the concerned areas

Amendment 622
Peter van Dalen

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The managing body of the port shall consult on an annual basis prior to the setting of port infrastructure charges the port users’ advisory committee on the structure and level of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users’ advisory committee on the structure and level of such charges. The managing body of the port shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services.

Amendment

deleted

Amendment 623**Ramon Tremosa i Balcells****Proposal for a regulation****Article 15 – paragraph 2***Text proposed by the Commission**Amendment*

2. The managing body of the port shall consult on an annual basis prior to the setting of port infrastructure charges the port users' advisory committee on the structure and level of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users' advisory committee on the structure and level of such charges. The managing body of the port shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services. *deleted*

Or. en

Justification

The principle that there is a dialogue with port users' representatives on the charging of port infrastructure and port services is a sound one. This already happens in practice. Port authorities have regular contacts with their customers as a normal commercial practice. Imposing strict EU rules is unnecessary and could lead to duplication of forums and processes. It should be left to the managing body of the port to organise such dialogue according to its particular circumstances (e.g. the scale of a port) and needs (e.g. commercial strategy, development plans), while complying with this basic principle. It seems in that respect more appropriate to merge and rephrase article 15 and 16 setting the principles of stakeholder and port users consultation without interfering with the details of how this should be done.

Amendment 624**Bogusław Liberadzki**

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The managing body of the port shall consult on an annual basis prior to the setting of port infrastructure charges the port users' advisory committee on the structure and level of such charges. ***The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users' advisory committee on the structure and level of such charges.*** The managing body of the port ***shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services.***

Amendment

2. The managing body of the port shall consult on an annual basis prior to the setting of port infrastructure charges the port users' advisory committee on the structure and level of such charges.

The above mentioned obligations can be done within bodies, also of distinct composition, already established within the managing body of the port either by law or by a normative act by a Member State.

Or. en

Amendment 625
Philippe De Backer

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The managing body of the port shall consult on an annual basis ***prior to the setting of port infrastructure charges*** the port users' ***advisory committee*** on the structure and level of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users' ***advisory committee*** on the structure and level of

Amendment

2. The managing body of the port shall consult on an annual basis the port users on the structure and level of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users on the structure and level of such charges. The managing body of the port shall be informed of the results of the consultation

such charges. The managing body of the port *shall provide adequate facilities for such consultation and* shall be informed of the results of the consultation by the providers of port services.

by the providers of port services.

Or. en

Amendment 626
Renaud Muselier

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The managing body of the port shall consult on an annual basis *prior to the setting of port infrastructure charges the port users’ advisory committee on the structure and level of such charges*. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis *prior to the setting of port service charges* the port *users’ advisory committee* on the structure and level of *such* charges. The managing body of the port shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services.

Amendment

2. The managing body of the port shall consult on an annual basis *representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both*. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis the port *users* on the structure and level of *port service* charges. The managing body of the port shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services.

Or. fr

Amendment 627
Peter van Dalen

Proposal for a regulation
Article 16

Text proposed by the Commission

Article 16

Consultation of other stakeholders

Amendment

deleted

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:

(a) the proper coordination of port services within the port area;

(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;

(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them.

Or. en

**Amendment 628
Ramon Tremosa i Balcells**

**Proposal for a regulation
Article 16**

Text proposed by the Commission

Amendment

Article 16

deleted

Consultation of other stakeholders

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:

(a) the proper coordination of port services within the port area;

(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the

efficiency of rail and inland waterways connections;

(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them.

Or. en

Justification

The principle that there is a dialogue with port users' representatives on the charging of port infrastructure and port services is a sound one. This already happens in practice. Port authorities have regular contacts with their customers as a normal commercial practice. Imposing strict EU rules is unnecessary and could lead to duplication of forums and processes. It should be left to the managing body of the port to organise such dialogue according to its particular circumstances (e.g. the scale of a port) and needs (e.g. commercial strategy, development plans), while complying with this basic principle. It seems in that respect more appropriate to merge and rephrase article 15 and 16 setting the principles of stakeholder and port users consultation without interfering with the details of how this should be done.

Amendment 629 **Inés Ayala Sender**

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, **workers' representatives**, cargo owners, land transport operators and public administrations operating in the port area on the following:

Or. es

Amendment 630 **Rolandas Paksas**

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 operating in the port area on the following:

Or. en

Amendment 631
Keith Taylor, Lucy Anderson, Karima Delli

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, **port workers**, and public administrations operating in the port area, **inhabitants in and near to the port area and representatives of environmental non-governmental organisations** on the following:

Or. en

Amendment 632
Stelios Kouloglou, Rina Ronja Kari, Fabio De Masi

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 ***trade unions, the local community, environmental organisations, the local business community***, 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:

Or. en

Amendment 633

Keith Taylor, Lucy Anderson, Karima Delli

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) the consequences of planning and of spatial planning decisions in terms of environmental performance;

Or. en

Amendment 634

Inés Ayala Sender

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) measures to ensure and improve safety in the port area, including measures to improve the training, health and safety of port workers.

Or. es

Justification

A mandate to consult with all parties involved in the port, including workers' representatives, should be included in the article on consultation with interested parties in order to improve the safety of port work.

Amendment 635

Peter van Dalen

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 636

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

It would mean putting too big of an administrative burden on the administration of ports.

Amendment 637

Tomasz Piotr Poręba

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. pl

Amendment 638

Ramon Tremosa i Balcells

Proposal for a regulation

Article 17 – title

Text proposed by the Commission

Amendment

Independent supervisory body

Handling of complaints

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this regulation, when adopted, are applied. Member States should ensure that they have an independent complaint mechanism in place allowing any party having a legitimate interest to lodge a complaint. User and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 639

Henna Virkkunen

Proposal for a regulation

Article 17 – title

Text proposed by the Commission

Amendment

Independent supervisory body

Handling of complaints

Or. en

Amendment 640

Gesine Meissner, Pavel Telička, Philippe De Backer

Proposal for a regulation
Article 17 – title

Text proposed by the Commission

Amendment

Independent supervisory body

Handling of complaints

Or. en

Amendment 641

**Elissavet Vozemberg, Ivo Belet, Renaud Muselier, Cláudia Monteiro de Aguiar,
Dubravka Šuica**

Proposal for a regulation
Article 17 – title

Text proposed by the Commission

Amendment

Independent supervisory body

Independent supervision

Or. en

Amendment 642

Ramon Tremosa i Balcells

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that an ***independent supervisory body monitors and supervises*** the application of this Regulation ***in*** all the ***seaports*** covered by this Regulation on the territory of each Member State.

1. Member States shall ensure that an ***effective mechanism is in place to handle complaints arising from*** the application of this Regulation ***for*** all the ***maritime ports*** covered by this Regulation on the territory of each Member State.

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism

in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 643
Henna Virkkunen

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that an ***independent supervisory body monitors and supervises*** the application of this Regulation ***in*** all the ***seaports*** covered by this Regulation on the territory of each Member State.

Amendment

1. Member States shall ensure that an ***effective mechanism is in place to handle complaints arising from*** the application of this Regulation ***for*** all the ***ports*** covered by this Regulation on the territory of each Member State.

Or. en

Amendment 644
Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that an ***independent supervisory body monitors and supervises*** the application of this Regulation ***in*** all the seaports covered by this Regulation on the territory of each Member State.

Amendment

1. Member States shall ensure that an ***effective mechanism is put in place to handle complaints arising from*** the application of this Regulation ***for*** all the seaports covered by this Regulation on the territory of each Member State.

Or. fr

Amendment 645
Isabella De Monte, David-Maria Sassoli

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that an independent supervisory body ***monitors*** and ***supervises*** the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State.

Amendment

1. Member States shall ensure that ***there is*** an independent supervisory body ***to monitor*** and ***supervise*** the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State.

Or. it

Amendment 646

Philippe De Backer, Pavel Telička, Gesine Meissner

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***an*** independent ***supervisory body monitors*** and ***supervises*** the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State.

Amendment

1. Member States shall ensure that ***effective*** independent ***mechanisms are in place to monitor the application of this Regulation and to handle complaints arising from*** the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State. ***To that end, the Member States shall designate one or several independent bodies.***

Or. en

Amendment 647

Ramon Tremosa i Balcells

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The ***independent supervisory body*** shall be ***legally distinct from and*** functionally independent of any managing body of the port or providers of port services. Member States ***that retain ownership or control of***

Amendment

2. The ***handling of complaints*** shall be ***carried out in a manner which excludes conflicts of interest and which is*** functionally independent of any managing body of the port or providers of port

ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business.

services. Member States *shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly respect the right to freely conduct business.*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 648 **Henna Virkkunen**

Proposal for a regulation **Article 17 – paragraph 2**

Text proposed by the Commission

2. The *independent supervisory body* shall be *legally distinct from and* functionally independent of any managing body of the port or providers of port services. Member States *that retain ownership or control of ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business.*

Amendment

2. The *handling the complaints* shall be *carried out in a manner which excludes conflicts of interest and which is* functionally independent of any managing body of the port or providers of port services. Member States *shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly respect the right to freely conduct business.*

Or. en

Amendment 649
Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. *The independent supervisory body shall be legally distinct from and functionally independent of any managing body of the port or providers of port services. Member States that retain ownership or control of ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business.*

Amendment

2. *Complaints must be handled in a way that ensures that conflicts of interests are excluded and which is functionally independent of any managing body of the port or providers of port services. Member States shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. Complaints must be handled impartially and transparently and with due respect to the right to act freely.*

Or. fr

Amendment 650
Isabella De Monte, David-Maria Sassoli

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The independent supervisory body shall be legally distinct from and functionally independent of any managing body of the port or providers of port services. Member States that retain ownership or control of ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body

Amendment

2. The independent supervisory body shall be legally distinct from and functionally independent of any managing body of the port or providers of port services. Member States that retain ownership or control of ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body

shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business.

shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business. ***The supervisory bodies of Member States shall be coordinated by an independent European supervisory body, which shall be competent in the event of a cross-border dispute or complaint or a dispute with other international authorities.***

Or. it

Amendment 651

Gesine Meissner, Pavel Telička, Philippe De Backer

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. The ***independent supervisory body*** shall be ***legally distinct from and*** functionally independent of any managing body of the port or providers of port services. Member States ***that retain ownership or control of ports or port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body shall exercise its powers impartially and transparently and with due respect to*** the right to freely conduct business.

Amendment

2. The ***handling of complaints*** shall be ***carried out in a manner which excludes conflicts of interest and which is*** functionally independent of any managing body of the port or providers of port services. Member States ***shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly*** respect the right to freely conduct business.

Or. en

Amendment 652

Ramon Tremosa i Balcells

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. *The independent supervisory body shall handle the complaints lodged by any party with a legitimate interest and the disputes brought before it arising in connection with the application of this Regulation.*

3. *Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including, an indication of the authorities responsible for the handling of complaints and relevant national authorities referred to in Articles 12(5), 13(3) and 14(7).*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 653

Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. *The independent supervisory body shall handle the complaints lodged by any party with a legitimate interest and the disputes brought before it arising in connection with the application of this Regulation.*

3. *Member States shall ensure that port users and other relevant stakeholders are notified as to where and how they can make a complaint, including an indication of the bodies authorised to handle complaints and the competent national authorities referred to in Articles 12(5), 13(3) and 14(7).*

Or. fr

Amendment 654

Gesine Meissner, Pavel Telička, Philippe De Backer

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. The independent supervisory body shall handle the complaints lodged by any party with a legitimate interest and the disputes brought before it arising in connection with the application of this Regulation.

Amendment

3. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including, an indication of the authorities responsible for the handling of complaints and relevant national authorities referred to in Articles 12(5), 13(3) and 14(7).

Or. en

Amendment 655
Henna Virkkunen

Proposal for a regulation
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including an indication of the authorities responsible for the handling of complaints and relevant national authorities referred to in Articles 12, 13 and 14.

Or. en

Justification

If adopted, replaces paragraphs 4-8.

Amendment 656
Ramon Tremosa i Balcells

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. In the event that the dispute arises between parties established in different Member States, the independent supervisory body of the Member State of the port where the dispute is presumed to have its origin shall have competence to solve the dispute. *deleted*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 657

Renaud Muselier, Elissavet Vozemberg

**Proposal for a regulation
Article 17 – paragraph 4**

Text proposed by the Commission

Amendment

4. In the event that the dispute arises between parties established in different Member States, the independent supervisory body of the Member State of the port where the dispute is presumed to have its origin shall have competence to solve the dispute. *deleted*

Or. fr

Amendment 658

Gesine Meissner, Pavel Telička

**Proposal for a regulation
Article 17 – paragraph 4**

Text proposed by the Commission

Amendment

4. In the event that the dispute arises between parties established in different Member States, the independent supervisory body of the Member State of the port where the dispute is presumed to have its origin shall have competence to solve the dispute.

deleted

Or. en

Amendment 659

Isabella De Monte, David-Maria Sassoli

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. In the event that the dispute arises between parties established in different Member States, the independent supervisory body *of the Member State of the port where the dispute is presumed to have its origin* shall have competence to solve the dispute.

4. In the event that the dispute arises between parties established in different Member States, the independent **European** supervisory body shall have competence to solve the dispute.

Or. it

Amendment 660

Ramon Tremosa i Balcells

Proposal for a regulation Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. The independent supervisory body shall have the right to require managing bodies of the ports, providers of port services and port users to submit information needed to ensure monitoring and supervision of the application of this Regulation.

deleted

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 661**Renaud Muselier, Elissavet Vozemberg****Proposal for a regulation****Article 17 – paragraph 5***Text proposed by the Commission**Amendment*

5. The independent supervisory body shall have the right to require managing bodies of the ports, providers of port services and port users to submit information needed to ensure monitoring and supervision of the application of this Regulation. ***deleted***

Or. fr

Amendment 662**Gesine Meissner, Pavel Telička, Philippe De Backer****Proposal for a regulation****Article 17 – paragraph 5***Text proposed by the Commission**Amendment*

5. The independent supervisory body shall have the right to require managing bodies of the ports, providers of port services and port users to submit information needed to ensure monitoring and supervision of the application of this Regulation. ***deleted***

Or. en

Amendment 663
Ramon Tremosa i Balcells

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. The independent supervisory body may issue opinions at the request of a competent authority in the Member State on any issues in relation to the application of this Regulation. *deleted*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 664
Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. The independent supervisory body may issue opinions at the request of a competent authority in the Member State on any issues in relation to the application of this Regulation. *deleted*

Or. fr

Amendment 665
Gesine Meissner, Pavel Telička

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. The independent supervisory body may issue opinions at the request of a competent authority in the Member State on any issues in relation to the application of this Regulation. *deleted*

Or. en

Amendment 666
Ramon Tremosa i Balcells

Proposal for a regulation
Article 17 – paragraph 7

Text proposed by the Commission

Amendment

7. The independent supervisory body may consult the port users' advisory committee of the port concerned when dealing with the complaints or disputes. *deleted*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 667
Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation
Article 17 – paragraph 7

Text proposed by the Commission

Amendment

7. The independent supervisory body may consult the port users' advisory committee of the port concerned when dealing with the complaints or disputes. *deleted*

Or. fr

Amendment 668

Gesine Meissner, Pavel Telička

Proposal for a regulation

Article 17 – paragraph 7

Text proposed by the Commission

Amendment

7. The independent supervisory body may consult the port users' advisory committee of the port concerned when dealing with the complaints or disputes. *deleted*

Or. en

Amendment 669

Ramon Tremosa i Balcells

Proposal for a regulation

Article 17 – paragraph 8

Text proposed by the Commission

Amendment

8. The decisions of the independent supervisory body shall have binding effects, without prejudice to judicial review. *deleted*

Or. en

Justification

The Council in its common approach has rephrased article 17 and brought it back to the essence of what is needed: ensure that the rules of this Regulation, when adopted, are

applied. Member States should ensure that they have an independent complaints mechanism in place allowing any party having a legitimate interest to lodge a complaint. Users and port stakeholders should also be properly informed of where and how they can lodge a complaint.

Amendment 670

Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation

Article 17 – paragraph 8

Text proposed by the Commission

Amendment

8. The decisions of the independent supervisory body shall have binding effects, without prejudice to judicial review.

deleted

Or. fr

Amendment 671

Gesine Meissner, Pavel Telička

Proposal for a regulation

Article 17 – paragraph 8

Text proposed by the Commission

Amendment

8. The decisions of the independent supervisory body shall have binding effects, without prejudice to judicial review.

deleted

Or. en

Amendment 672

Renaud Muselier, Elissavet Vozemberg

Proposal for a regulation

Article 17 – paragraph 9

Text proposed by the Commission

Amendment

9. Member States shall notify **to** the

9. Member States shall notify the

Commission the *identity of the independent supervisory* bodies by **1 July 2015** at the latest and subsequently any modification thereof. The Commission shall publish and update *the list of the independent supervisory bodies* on its website.

Commission of the *mechanism for handling complaints and shall indicate* the bodies *referred to in paragraph 3* by **[24 months from the entry into force of this Regulation]** at the latest and subsequently any modification thereof. The Commission shall publish and update *this information* on its website.

Or. fr

Amendment 673
Izaskun Bilbao Barandica

Proposal for a regulation
Article 17 – paragraph 9

Text proposed by the Commission

9. Member States shall notify to the Commission the identity of the independent supervisory bodies *by 1 July 2015* at the latest and subsequently any modification thereof. The Commission shall publish and update the list of the independent supervisory bodies on its website.

Amendment

9. Member States shall notify to the Commission the identity of the independent supervisory bodies *within 24 months of the entry into force of this Regulation* at the latest and subsequently any modification thereof. The Commission shall publish and update the list of the independent supervisory bodies on its website.

Or. es

Amendment 674
Inés Ayala Sender

Proposal for a regulation
Article 17 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Without prejudice to this article, the Commission may at any time request further information from the managing bodies or the providers of port services in relation to the obligations laid down in this Regulation.

Justification

A safeguard clause needs to be included in case notification bodies fail in their duty to ensure the Regulation is correctly applied and to make it clear that the Commission has the right, under the Treaties, to start infringement proceedings.

Amendment 675
Peter van Dalen

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a***Handling of complaints***

1. Member States shall ensure that an effective mechanism is in place to handle complaints arising from the application of this Regulation for all the maritime ports covered by this Regulation on the territory of each Member State.

2. The handling of complaints shall be carried out in a manner which excludes conflicts of interest and which is functionally independent of any managing body of the port or providers of port services. Member States shall ensure that there is effective functional separation between the handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly respect the right to freely conduct business.

3. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including, an indication of the authorities responsible for the handling of complaints and relevant national

Amendment 676

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

***Cooperation between independent
supervisory bodies***

1. The independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate and support the work of the network.

2. The independent supervisory bodies shall cooperate closely for the purposes of mutual assistance in their tasks, including in carrying out investigations required to handle complaints and disputes in cases involving ports in different Member States. For this purpose, an independent supervisory body shall make available to another such body, after a substantiated request, the information necessary to allow that body to fulfil its responsibilities under this Regulation.

3. The Member States shall ensure that the independent supervisory bodies shall provide the Commission, after a reasoned request, with the information necessary for it to carry its tasks. The information requested by the Commission shall be

proportionate to the performance of those tasks.

4. Where information is considered confidential by the independent supervisory body in accordance with Union or national rules on business confidentiality, the other national supervisory body and the Commission shall ensure such confidentiality. This information may only be used for the purpose which it was requested.

5. Based on the experience of the independent supervisory bodies and on the activities of the network referred to in paragraph 1, and in order to ensure efficient cooperation, the Commission may adopt common principles on the appropriate arrangements for the exchange of information between independent supervisory bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

Or. en

Amendment 677

Tomasz Piotr Poręba

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Cooperation between independent supervisory bodies

1. The independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a

year. The Commission shall participate, coordinate and support the work of the network.

2. The independent supervisory bodies shall cooperate closely for the purposes of mutual assistance in their tasks, including in carrying out investigations required to handle complaints and disputes in cases involving ports in different Member States. For this purpose, an independent supervisory body shall make available to another such body, after a substantiated request, the information necessary to allow that body to fulfil its responsibilities under this Regulation.

3. The Member States shall ensure that the independent supervisory bodies shall provide the Commission, after a reasoned request, with the information necessary for it to carry its tasks. The information requested by the Commission shall be proportionate to the performance of those tasks.

4. Where information is considered confidential by the independent supervisory body in accordance with Union or national rules on business confidentiality, the other national supervisory body and the Commission shall ensure such confidentiality. This information may only be used for the purpose which it was requested.

5. Based on the experience of the independent supervisory bodies and on the activities of the network referred to in paragraph 1, and in order to ensure efficient cooperation, the Commission may adopt common principles on the appropriate arrangements for the exchange of information between independent supervisory bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

Or. pl

Amendment 678

Elissavet Vozemberg, Ivo Belet, Luis de Grandes Pascual, Renaud Muselier, Cláudia Monteiro de Aguiar, Dubravka Šuica

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Cooperation between independent supervisory bodies

1. The independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate and support the work of the network.

2. The independent supervisory bodies shall cooperate closely for the purposes of mutual assistance in their tasks, including in carrying out investigations required to handle complaints and disputes in cases involving ports in different Member States. For this purpose, an independent supervisory body shall make available to another such body, after a substantiated request, the information necessary to allow that body to fulfil its responsibilities under this Regulation.

3. The Member States shall ensure that the independent supervisory bodies shall provide the Commission, after a reasoned request, with the information necessary for it to carry its tasks. The information requested by the Commission shall be proportionate to the performance of those tasks.

4. Where information is considered confidential by the independent

supervisory body in accordance with Union or national rules on business confidentiality, the other national supervisory body and the Commission shall ensure such confidentiality. This information may only be used for the purpose which it was requested.

5. Based on the experience of the independent supervisory bodies and on the activities of the network referred to in paragraph 1, and in order to ensure efficient cooperation, the Commission may adopt common principles on the appropriate arrangements for the exchange of information between independent supervisory bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

Or. en

Justification

Member States should cooperate when cross-border disputes arise. However, there is no need for an institutionalised network of bodies providing independent supervision

Amendment 679 **Inés Ayala Sender**

Proposal for a regulation **Article 18 – paragraph 1**

Text proposed by the Commission

1. The independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate **and** support the work of the

Amendment

1. The independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate, support **and finance** the work

network.

of the network.

Or. es

Amendment 680

Philippe De Backer, Pavel Telička

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The ***independent*** supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together ***in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate and support the work of the network.***

Amendment

1. The ***different*** supervisory bodies ***designated pursuant to Article 17*** shall exchange information about their work and decision-making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together. ***The Commission shall support and facilitate the cooperation. The confidentiality of the information that is being exchanged shall be respected.***

Or. en

Amendment 681

Marie-Christine Arnautu

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The Member States shall ensure that the independent supervisory bodies shall provide the Commission, after a reasoned request, with the information necessary for it to carry its tasks. The information requested by the Commission shall be proportionate to the performance of those tasks.

Amendment

deleted

Or. fr

Amendment 682
Marie-Christine Arnautu

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. Where information is considered confidential by the independent supervisory body in accordance with ***Union or*** national rules on business confidentiality, the other national supervisory body ***and the Commission*** shall ensure such confidentiality. This information may only be used for the purpose which it was requested.

Amendment

4. Where information is considered confidential by the independent supervisory body in accordance with national rules on business confidentiality, the other national supervisory body shall ensure such confidentiality. This information may only be used for the purpose which it was requested.

Or. fr

Amendment 683
Marie-Christine Arnautu

Proposal for a regulation
Article 18 – paragraph 5

Text proposed by the Commission

5. Based on the experience of the independent supervisory bodies and on the activities of the network referred to in paragraph 1, and in order to ensure efficient cooperation, the Commission may adopt common principles on the appropriate arrangements for the exchange of information between independent supervisory bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

Amendment

deleted

Or. fr

Amendment 684

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Appeals

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

Or. en

Amendment 685

Marie-Christine Arnautu

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the competent authorities, by the managing body of the port or by the independent supervisory body to an appeal body which is independent of the parties involved. This appeal body may be a *court*.

1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the competent authorities, by the managing body of the port or by the independent supervisory body to an appeal body which is independent of the parties involved. This appeal body may *not* be a *subordinate body of the European institutions*.

Amendment 686
Izaskun Bilbao Barandica

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission **by 1 July 2015** at the latest and shall notify it without delay of any subsequent amendment affecting them.

Amendment

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission ***within 24 months of the entry into force of this Regulation*** at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. es

Amendment 687
Marie-Christine Arnautu

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. ***Member States shall notify those provisions to the Commission by 1 July 2015 at the latest and shall notify it without delay of any subsequent amendment affecting them.***

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that those rules are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Amendment 688**Peter Lundgren****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. en

Amendment 689

Renaud Muselier

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. fr

Amendment 690

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

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. en

**Amendment 691
Jacqueline Foster**

**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. en

Justification

The Commission should not be empowered to stipulate environmental charge modulations or other facets of the level and structure of port charges, which should be determined commercially.

Amendment 692

Lucy Anderson, Theresa Griffin

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. en

Amendment 693
Tomasz Piotr Poręba

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. pl

Amendment 694

Bogusław Liberadzki

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred

deleted

on the Commission for an indeterminate period of time.

Or. en

Amendment 695
Marie-Christine Arnautu

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for *an indeterminate period of time*.

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for *a specific period with the permission of the Member States*.

Or. fr

Amendment 696
Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation
Article 22

Text proposed by the Commission

Article 22

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Amendment

deleted

Or. en

Amendment 697
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. en

Amendment 698
Tomasz Piotr Poręba

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. pl

Amendment 699
Lucy Anderson, Theresa Griffin

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

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

Amendment

No later than **two** years after **this Regulation takes effect**, 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 700
Philippe De Backer, Pavel Telička

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

No later than three years after the entry 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.

Amendment

No later than three years after the entry 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. ***Within two years after the entry into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of Article 11 of this Regulation. If appropriate, this report shall be accompanied by relevant proposals. To this end, the Commission will consult all involved parties, including the users.***

Or. en

Amendment 701
Izaskun Bilbao Barandica

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

No later than three years after the entry 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.

Amendment

No later than three years after the entry 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, ***as well as regular reports after those three years***, accompanied, if appropriate, by relevant proposals.

Or. es

Amendment 702
Tomasz Piotr Poręba

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

1. Port service contracts concluded before [date of adoption of the Regulation] which were entrusted to selected providers of port services based on an open, transparent and non-discriminatory procedure or are otherwise in conformity with the rules of this Regulation shall continue to be valid until their expiry.

Amendment

1. Port service contracts ***and fixed-term and open-ended lease agreements*** concluded before [date of adoption of the Regulation] which were entrusted to selected providers of port services based on an open, transparent and non-discriminatory procedure or are otherwise in conformity with the rules of this Regulation shall continue to be valid until their expiry.

Or. pl

Amendment 703
Inés Ayala Sender

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Port service contracts concluded before [date of adoption of the Regulation] which were entrusted to selected providers of port services based on an open, transparent and non-discriminatory procedure or are otherwise in conformity with the rules of this Regulation shall continue to be valid until their expiry.

1. For the purposes of evaluating the functioning and effect of this Regulation, two reports shall be presented to the European Parliament and the Council. This report shall include also an analysis of custom policies across EU ports that could lead to a distortion of competition. No later than three years after the entry into force of this Regulation, the Commission shall present a mid-term report and no later than six years after the entry into force of this Regulation, the Commission shall present a report accompanied, if appropriate, by relevant proposals. The reports of the Commission shall take into account the progress achieved by the Sectoral Social Dialogue Committee for Ports.

Or. en

Justification

A high level of simplification of customs procedures can represent a major economic advantage for a port in terms of competitiveness. In order to avoid unfair competition and reduce customs formalities which might seriously harm the Union's financial interests, port authorities must include a proper and effective risk based policy approach. The Commission and Member States should evaluate in the need take appropriate measure to tackle unfair competition.

Amendment 704

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Jarosław Wałęsa

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after 1 July 2025.

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after 1 July 2035.

Amendment 705
Tomasz Piotr Poręba

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after **1 July 2025**.

Amendment

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after **36 months after the entry into force of this Regulation**.

Or. pl

Amendment 706
Izaskun Bilbao Barandica

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after **1 July 2025**.

Amendment

2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not **for longer than 24 months after the entry into force of the Regulation**.

Or. es

Amendment 707
Keith Taylor, Karima Delli

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Transposition

Member States shall adopt and publish, by [two years after adoption] 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].

Or. en

Justification

This amendment is part of conversion from regulation into a directive

Amendment 708

Keith Taylor, Lucy Anderson, 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 709

Keith Taylor

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 1 July **2030**,
if appropriate.

Or. en

Amendment 710

Lucy Anderson, Richard Corbett, Theresa Griffin

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 711

Izaskun Bilbao Barandica

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 **24 months after the entry into force of the Regulation**.

Or. es

Amendment 712

Keith Taylor, Lucy Anderson, Karima Delli

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