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*Committee on Transport and Tourism*

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**2013/0157(COD)**

4.12.2013

# **AMENDMENTS 300 - 542**

**Draft report**  
**Knut Fleckenstein**  
(PE521.596v02-00)

on the proposal for a regulation of the European Parliament and of the Council  
establishing a framework on market access to port services and financial  
transparency of ports

Proposal for a regulation  
(COM(2013)0296 – C7-0144/2013 – 2013/0157(COD))

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PE524.758v01-00

**EN**

*United in diversity*

**EN**



**Amendment 300**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The port service provider may forfeit the right to provide port services before the expiry of the authorization period if the competent body ascertains failure to comply with minimum requirements , failure to meet contractual obligations in relations with the management body, or in the event of insolvency or bankruptcy.***

Or. ro

**Amendment 301**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

***Article 6***

***deleted***

***Limitations of the number of providers of port services***

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

***(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes an essential port facility to provide the port service and that the limitation is in accordance with the formal development plan of the port as agreed by the management body of the port and where***

*appropriate any other public competent authorities according to the national legislation;*

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

*2. The managing body of the port shall publish any proposal to apply paragraph 1 at least six months in advance together with the grounds justifying it, giving any interested party the opportunity to comment within a reasonable period.*

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

*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.*

Or. nl

## **Amendment 302**

**Karim Zérìbi**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes *an essential* port facility *to provide the port*

*Amendment*

(a) the scarcity or reserved use of land, provided that the managing body can demonstrate that the land constitutes *a* port facility *which is essential for the provision*

*service* and that the limitation is in accordance with the *formal* development plan of the port as agreed by the management body of the port and where appropriate any other public competent authorities according to the national legislation;

*of port services* and that the limitation is, *where applicable*, in accordance with the development plan of the port as agreed by the management body of the port and where appropriate any other public competent authorities according to the *relevant* national legislation;

Or. fr

*Justification*

*Not every port has a development plan; those that do, in most cases, do not make reference to the maximum number of service providers for a given space.*

**Amendment 303**  
**Sabine Wils**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. de

*Justification*

*It is vital to lay down criteria to be met by port services.*

**Amendment 304**  
**Dominique Vlasto**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

*Justification*

*To complement the rapporteur's amendment, the reference to formal development plans is disproportionate and does not cover cases in which a port does not have any formal development plan. Moreover, such plans, be they formal or not, do not necessarily make reference to the maximum number of service providers.*

**Amendment 305**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

**(aa) the scarcity of waterside space where this constitutes an essential element of the ability to provide the port service concerned in a safe and efficient way;**

*Amendment*

Or. en

**Amendment 306**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

*Amendment*

***(ab) specific market constraints due to the economic capacity of the port;***

Or. en

**Amendment 307**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 308**  
**Karim Zéribi**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

*Self-explanatory.*

**Amendment 309**

**Carlo Fidanza**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*(ba) the characteristics of the traffic in any given port does not permit that more than a certain number of providers of port services may operate profitably in that port with regards to that particular port service;*

Or. en

**Amendment 310**

**Giommaria Uggias**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*(ba) market capacity is not sufficient to guarantee the presence of more operators;*

Or. it

**Amendment 311**

**Philippe De Backer**

**Proposal for a regulation**

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



*Text proposed by the Commission*

*Amendment*

***(ba) The limitations applied according to paragraph 1 of this Article shall be proportionate to the grounds on which those limitations are put in place;***

Or. en

*Justification*

*This paragraph wants to ensure that the managing bodies of the ports use the limitations listed in this paragraph in a proportionate way.*

**Amendment 312**

**Franco Frigo, David-Maria Sassoli**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ba) shipping safety in the port and environmental protection;***

Or. it

**Amendment 313**

**Spyros Danellis**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ba) the need to ensure the conduct of safe port operations, in accordance with international best practice;***

Or. en

## *Justification*

*In services like, for example, port pilotage, tradition and best practice has it that providers are limited to only one. However, that does not mean that the single providers should not be selected in an open and transparent procedure, as per Article 7.*

### **Amendment 314**

**Dominique Vlasto, Dominique Riquet**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*(ba) where the characteristics of the port market of a given port do not enable multiple providers to provide quality port services in conditions which guarantee the security, continuity and quality of the service;*

Or. fr

### **Amendment 315**

**Peter van Dalen**

#### **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]<sup>15</sup>, Directive ..../....[public utilities]<sup>16</sup> and Directive .../... [public procurement]<sup>17</sup>.*

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<sup>15</sup> *Proposal for a Directive on the award of concession contracts (COM (2011) 897 final).*

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

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

Or. nl

**Amendment 316**  
**Corien Wortmann-Kool**

**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 317**  
**Sabine Wils**

**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].** **deleted**

Or. de

*Justification*

*These paragraphs in Article 7 include references to the Concessions Directive. That directive has not been adopted, however, and details of its substance are not yet known. A reference to this directive is unacceptable, therefore.*

**Amendment 318**  
**Sławomir Nitras, Artur Zasada, Jarosław Leszek Wałęsa**

**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. pl

*Justification*

*Port investment activities are very capital-intensive and the return on investment period is very long. The requirement that access to the port operator's place of business be temporarily restricted under a concession will lead to a drop in the level of investment safety.*

**Amendment 319**  
**Ramon Tremosa i Balcells**

**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.**

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

Or. en

*Justification*

*The obligation to apply the rules of the forthcoming Directive on the award of concessions for all selection procedures in case of limitation of service providers, regardless whether port service contracts are concessions in the meaning of the Directive, will result in additional and unnecessary administrative bureaucracy. The requirement that a selection procedure must be*

*open to all interested parties, non-discriminatory and transparent should be a guarantee for an open market without imposing unnecessary burden on all actors. When contracts are effectively concessions (or public contracts), then relevant legislation on these instruments does apply.*

**Amendment 320**

**Corien Wortmann-Kool**

**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 321**

**Sabine Wils**

**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. de

*Justification*

*These paragraphs in Article 7 include references to the Concessions Directive. That directive has not been adopted, however, and details of its substance are not yet known. A reference to this directive is unacceptable, therefore.*

**Amendment 322**

**Slawomir Nitras, Artur Zasada, Jaroslaw Leszek Walęsa**

**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. pl

*Justification*

*Port investment activities are very capital-intensive and the return on investment period is very long. The requirement that access to the port operator's place of business be temporarily restricted under a concession will lead to a drop in the level of investment safety.*

**Amendment 323**

**Ramon Tremosa i Balcells**

**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].**

**3. Paragraphs 1 and 2 of this Article shall not apply in the cases referred to in Article 9.**

Or. en

*Justification*

*The obligation to apply the rules of the forthcoming Directive on the award of concessions for all selection procedures in case of limitation of service providers, regardless whether port service contracts are concessions in the meaning of the Directive, will result in additional and unnecessary administrative bureaucracy. The requirement that a selection procedure must be open to all interested parties, non-discriminatory and transparent should be a guarantee for*

*an open market without imposing unnecessary burden on all actors. When contracts are effectively concessions (or public contracts), then relevant legislation on these instruments does apply.*

#### **Amendment 324**

**Ramon Tremosa i Balcells**

#### **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.**

**4. This Regulation is without prejudice to Directive .../... [concession], Directive .../...[public utilities] and Directive .../... [public procurement]**

Or. en

#### *Justification*

*The obligation to apply the rules of the forthcoming Directive on the award of concessions for all selection procedures in case of limitation of service providers, regardless whether port service contracts are concessions in the meaning of the Directive, will result in additional and unnecessary administrative bureaucracy. The requirement that a selection procedure must be open to all interested parties, non-discriminatory and transparent should be a guarantee for an open market without imposing unnecessary burden on all actors. When contracts are effectively concessions (or public contracts), then relevant legislation on these instruments does apply.*

#### **Amendment 325**

**Sabine Wils**

#### **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 new port service contract and shall**

**deleted**



**require a new procedure as referred to in paragraph 2.**

Or. de

*Justification*

*These paragraphs in Article 7 include references to the Concessions Directive. That directive has not been adopted, however, and details of its substance are not yet known. A reference to this directive is unacceptable, therefore.*

**Amendment 326**

**Śławomir Nitras, Artur Zasada, Jarosław Leszek Wałęsa**

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

Or. pl

*Justification*

*Port investment activities are very capital-intensive and the return on investment period is very long. The requirement that access to the port operator's place of business be temporarily restricted under a concession will lead to a drop in the level of investment safety.*

**Amendment 327**

**Dominique Vlasto**

**Proposal for a regulation**

**Article 7 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. 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 purpose of the service to which the contract relates. The calculation shall include both initial investments and investments during the duration of the contract.***

Or. fr

*Justification*

*To complement the rapporteur's amendment, it is important to specify that the duration of the contract should also take into consideration the nature and purpose of the service concerned, since some services have specific or unusual features. For example, the operation and amortisation of a crude oil terminal is very different from that of a passenger terminal. That is why a different approach is needed according to the nature and purpose of the service in question.*

**Amendment 328**  
**Sabine Wils**

**Proposal for a regulation**  
**Article 7 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

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

Or. de

*Justification*

*These paragraphs in Article 7 include references to the Concessions Directive. That directive has not been adopted, however, and details of its substance are not yet known. A reference to this directive is unacceptable, therefore.*

**Amendment 329**  
**Sabine Wils**

**Proposal for a regulation**  
**Article 7 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

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

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

Or. de

*Justification*

*These paragraphs in Article 7 include references to the Concessions Directive. That directive has not been adopted, however, and details of its substance are not yet known. A reference to this directive is unacceptable, therefore.*

**Amendment 330**  
**Ramon Tremosa i Balcells**

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

*Text proposed by the Commission*

*Amendment*

**7a. The duration of port service contracts shall be proportional to the investments made.**

Or. en

*Justification*

*The obligation to apply the rules of the forthcoming Directive on the award of concessions for all selection procedures in case of limitation of service providers, regardless whether port*

*service contracts are concessions in the meaning of the Directive, will result in additional and unnecessary administrative bureaucracy. The requirement that a selection procedure must be open to all interested parties, non-discriminatory and transparent should be a guarantee for an open market without imposing unnecessary burden on all actors. When contracts are effectively concessions (or public contracts), then relevant legislation on these instruments does apply.*

**Amendment 331**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 8**

*Text proposed by the Commission*

*Amendment*

*Article 8*

*deleted*

***Public service obligations***

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

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

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

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

***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.***

***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.***

***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.*

*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 obligations to 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.*

Or. nl

#### **Amendment 332**

**Franco Frigo, David-Maria Sassoli**

#### **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*

(a) the availability of the service without interruption during the day, the night, the week and the year, ***as well as on safety grounds***;

Or. it

#### **Amendment 333**

**Georgios Koumoutsakos, Dieter-Lebrecht Koch**

**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 334**  
**Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt**

**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 335**  
**Dominique Vlasto, Dominique Riquet**

**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 *and all berths*;

Or. fr

*Justification*

*It should be specified that the public service obligation must be based on an available, universal and continuous service. This will also ensure that certain service providers do not operate only in the most profitable segments or berths.*

**Amendment 336**  
**Franco Frigo, David-Maria Sassoli**

**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*

(c) *greater* affordability of the service for *all potential* categories of users.

Or. it

**Amendment 337**  
**Giommaria Uggias**

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

*Text proposed by the Commission*

*Amendment*

*(ca) environmental protection and safety of the port and port activities;*

Or. it

**Amendment 338**  
**Georgios Koumoutsakos**

**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 port operations;*

Or. en

**Amendment 339**  
**Carlo Fidanza, Antonio Cancian**

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

*Text proposed by the Commission*

*Amendment*

***(ca) maritime security and safety, and environment protection missions within and at the entrance of ports;***

Or. en

**Amendment 340**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

*Amendment*

***(cb) 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 341**  
**Georges Bach**

**Proposal for a regulation**  
**Article 8 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. In the event of a disruption of port

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.

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. ***Collective actions should not be included amongst the events for which emergency measures are taken.*** 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 342**  
**Karim Zérìbi**

**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 ***whilst strictly complying with the applicable national rules on social rights.*** 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. fr

### *Justification*

*If emergency measures appear to be necessary in order to ensure the continuity of public service, the right to strike is a fundamental right in some Member States and cannot, in this regard, be undermined by EU legislation.*

#### **Amendment 343**

**Sabine Wils**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 6**

##### *Text proposed by the Commission*

6. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the competent authority may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

##### *Amendment*

6. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the competent authority may take an emergency measure. ***The exercise of the right to collective bargaining and collective measures, including the right to strike, shall not constitute grounds for taking emergency measures.*** The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

Or. de

### *Justification*

*The wording proposed by the Commission clearly represents an attempt to restrict the right to strike, as was tried through the introduction of the concept of 'minimum services' in the context of the railways package. The attempt to force through key provisions of the Commission's 'Monti II paper' in this way can only be countered by means of the proposed clarification.*

## Amendment 344

Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt

### 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. ***Collective actions are not included amongst the disruptions for which emergency measures can be taken.*** 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 345

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

*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

new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.

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 346**  
**Brian Simpson**

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

*Text proposed by the Commission*

*Amendment*

***Collective actions shall not be considered as an event of a disruption, for which the emergency measures may be taken.***

Or. en

*Justification*

*Although collective actions might cause a disruption of port services they must not be included in the scope of the Article, as it would infringe the Article 28 of the Charter of Fundamental Rights of the European Union.*

**Amendment 347**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 9**

**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. nl

**Amendment 348  
Giommaria Uggias**

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

Or. it

**Amendment 349**  
**Dominique Vlasto**

**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. 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 **themselves, through agents employed or commissioned by the competent authority, where appropriate,** or to impose such obligations directly on a legally distinct entity over which **they exercise** a control similar to that exercised over **their** own departments. In such a case, the port service provider shall be considered as an internal operator for the purpose of this Regulation.

Or. fr

*Justification*

*As a supplement to the rapporteur's addition of the managing body of the port, this*

*amendment clarifies the two ways in which the port service may be provided by the competent authority – either directly or through agents employed or commissioned by it. This corresponds to the provisions of Recital 18 of the proposal for a regulation.*

## **Amendment 350**

**Carlo Fidanza**

### **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 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.  
***This may occur, in particular, when (a) how the business is managed and selection of staff depend on decisions by the competent authority; (b) the latter is empowered to supervise and check on the activities of the legally distinct entity or its personnel, which also bears on the appointment of persons empowered to represent and/or manage the body itself.***

Or. it

## **Amendment 351**

**Dominique Vlasto**

### **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

*Amendment*

2. The ***managing body of the port or the*** competent authority shall be ***deemed to exercise control over*** a legally distinct entity similar to that exercised ***in their*** own departments only if ***they exercise a***

strategic objectives and the significant decisions *of* the **controlled** legal entity.

decisive influence over both the strategic objectives **identified** and the significant decisions **relating to the port service concerned, taken by** the legal entity **concerned**.

Or. fr

*Justification*

*To complement the rapporteur's amendment, it is important to specify that a legally distinct entity can carry out a number of activities and that the control or significant decision in question should only relate to the port service concerned.*

**Amendment 352**

**Franco Frigo, David-Maria Sassoli, Giommara Uggias**

**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 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. ***This may occur, in particular, when (a) how the business is managed and the selection of staff depend on decisions by the competent authority; (b) the latter is empowered to supervise and check on the activities of the legally distinct entity or its personnel, which also bears on the appointment of persons empowered to represent and/or manage the body itself.***

Or. it

*Justification*

*The precisions proposed here, in line with the subsidiarity principle, seek to resolve all the*



*ambiguities in the text in regard to the powers of Member States to identify as internal operators bodies which, although formally and substantially distinct from central government, are controlled by them on the basis of public law rules which determine the business management of these bodies, access of their staff and their internal organisation.*

**Amendment 353**  
**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 354**  
**Kathleen Van Brempt, Saïd El Khadraoui**

**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.

*Justification*

*This amendment simply serves to clarify matters and avoid misunderstandings. Article 9(4) appears to disregard the fact that the managing body of a port may also be the competent authority. The reference to Article 8(3) makes this clear.*

**Amendment 355**

**Georgios Koumoutsakos, Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

**Pilotage**

***Without prejudice to Article 6(1), Member States or managing bodies of a port may limit the number of providers of pilotage service on the ground of public service obligations, contributing to ensure maritime safety, security and protect the environment.***

***Member States or managing bodies of a port may consider providers of pilotage service provided by agents commissioned by a competent authority which entrusted them with obligations of public services as internal operators for the purpose of this Regulation. In such cases, the paragraphs 1 to 5 of Article 7 shall not apply.***

Or. en

**Amendment 356**

**Peter van Dalen**

**Proposal for a regulation**

**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

*deleted*

***Safeguarding of employees' rights***

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

***2. Without prejudice to national and Union law including 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.***

***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.***

Or. nl

**Amendment 357**

**Philip Bradbourn, Jacqueline Foster**

**Proposal for a regulation**

**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

*deleted*

### ***Safeguarding of employees' rights***

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

***2. Without prejudice to national and Union law including 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.***

***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.***

Or. en

### ***Justification***

*This Article merely restates existing legal requirements and allows a port to make a contractual provision about transfer of employees if it so chooses and therefore should be omitted. Furthermore, it is inappropriate to place a port operator in the position of an employment tribunal or arbitrator.*

**Amendment 358**

**Karim Zéribi**

**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 the relevant collective agreements applicable**.

Or. fr

**Amendment 359**  
**Philippe De Backer**

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

Or. en

*Justification*

*To create a level playing field, it is of outmost importance that the existing national rules are in line with the EU Treaty rules.*

**Amendment 360**  
**Jean-Pierre Audy**

**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 **require basic compliance with** the application of the social and labour rules of the Member **State in which the port is located**.

**Amendment 361**  
**Ślawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. pl

*Justification*

*This provision confers too much power to the port management vis-à-vis service providers and represents a burden to those providers by introducing a duty to safeguard workers' rights. Current EU provisions on the protection of workers' rights (Directive 2001/23) seem to adequately safeguard the interests of workers.*

**Amendment 362**  
**Carlo Fidanza**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Without prejudice to national and Union law including collective agreements**

**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.

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 **and Article 9**, 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 363**  
**Georgios Koumoutsakos**

**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 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 364**  
**Giommaria Uggias**

**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 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, ***including those on board vessels hired for the services in question***, the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. it

**Amendment 365**  
**Karim Zéribi**

**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 national ***law***, Union law, ***in particular Directives 2002/14/EC and 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. fr

### *Justification*

*There can be no opening of the port market unless there are strict rules enabling the maintenance of high social standards and respect for rights relating to information and consultation. It would therefore be advisable to specify that both directives are applicable in this area.*

### **Amendment 366**

**Phil Bennion**

### **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 may **contractually** 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 367**

**Knut Fleckenstein**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Without prejudice to national and Union law including collective agreements between social partners, the **Member State 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 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 368**  
**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

**Amendment 369**

**Francesca Barracciu, Franco Frigo**

**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 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.  
***Furthermore, the management bodies shall be entitled to use the guarantee that said rights shall be upheld as a primary criterion in the selection of port service providers.***

Or. it

*Justification*

*The ability of service providers to use local resources such as labour is undoubtedly a factor in making the opening up of the port market sustainable. Ensuring continuity of local employment is in the direct interests of good port management.*

**Amendment 370**

**Sabine Wils**

**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, ***Member States shall*** require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services, 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. ***This Directive does not preclude Member States from safeguarding transfer conditions of employees' rights other than those covered by Directive 2001/23/EC. Member States shall be required to take into account labour and social standards more favourable to the workers, established by national laws, regulations or administrative provisions or collective agreements or agreements concluded between the social partners.***

Or. xm

*Justification*

*Mandatory action by the Member States, not voluntary action by port authorities, is needed to enforce these provisions. The addition incorporating a reference to Directive 2001/23/EC is vital in the context of the protection of workers' rights and the enforcement of labour and social standards. The wording is taken verbatim from an amendment adopted to the EMPL committee's opinion on Regulation (EC) No 1370/2007 on public passenger transport services by rail and road (Amendment 30, Daerden opinion).*

**Amendment 371**  
**Dominique Vlasto**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

*It is important to specify that in this case reference is being made to the appointment of a new service provider, as opposed to the ‘incumbent operator’.*

**Amendment 372**

**Śławomir Nitras, Artur Zasada**

**Proposal for a regulation  
Article 10 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***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.***

***deleted***

Or. pl

### *Justification*

*The requirement that the conditions of employment contracts and lists of staff be made public by attaching them to tender documents and port service contracts is not proportionate to the aims of the regulation. Current EU provisions on the protection of workers' rights (Directive 2001/23) seem to adequately safeguard the interests of workers.*

#### **Amendment 373**

**Karim Zérìbi**

#### **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 providers of port services to comply with certain social standards as regards the provision of relevant port services. ***To that end,*** tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.

Or. fr

### *Justification*

*Compliance with social standards cannot be merely an option when opening up to competition.*

#### **Amendment 374**

**Franco Frigo, David-Maria Sassoli**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 3 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***3a. For the service rendered by tugs, being vessels to which the reference made in paragraph 2 to Directive 2001/23/EC is***

*not applicable, the port management bodies shall require that staff previously taken on by the incumbent provider of port services are guaranteed the right to be given priority in recruitment by the designated service provider over other workers; only in the event that said staff renounce the aforesaid right may the designated services provider seek alternative staff, offering them the same terms of employment.*

Or. it

#### *Justification*

*Article 1(3) of Directive 2001/23/EC does not apply to tugs, which are seagoing vessels. Since Article 10 of the Regulation makes express reference to Directive 2001/23/EC in order to safeguard the rights of workers, precisely which rights it seeks to safeguard needs to be laid down. It is important that, where provision is made to restrict the number of service providers, the method of their selection takes into account the specific case of the tug service. However this must not be detrimental to the employment rights of workers employed by the outgoing service provider.*

#### **Amendment 375**

**Carlo Fidanza, Antonio Cancian**

#### **Proposal for a regulation**

**Article 10 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The foregoing paragraphs 2 and 3 shall not however prejudice the right of port management bodies to include among the contract award criteria, in the selection procedure to appoint a port service provider, the stipulation that service provider candidates shall already possess qualified staff with specific experience in performing the services concerned.***

Or. it

**Amendment 376**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 10 – 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

**Amendment 377**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. es

**Amendment 378**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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



services.

services *or to pilotage and mooring services.*

Or. nl

**Amendment 379**  
**Brian Simpson**

**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, *pilotage, mooring and towage.*

Or. en

*Justification*

*Pilotage, towage and mooring provide essential and unique services 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. They should be therefore excluded from the scope of the Chapter.*

**Amendment 380**  
**Corien Wortmann-Kool**

**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 381**

**Karim Zéribi, Dominique Vlasto, Bernadette Vergnaud**

**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 **only** apply to **bunkering** services and **port reception facilities**.

Or. fr

*Justification*

*Pilotage, towage and berthing/unberthing services are a set of specific activities relating to the handling of vessels. In view of the principles relating to maritime safety and security, therefore, these services should be excluded from the scope of this chapter.*

**Amendment 382**

**Sabine Wils**

**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 and passenger services. **Article 24 shall likewise not apply to dredging, port reception facilities, pilotage, towage and mooring.**

Or. de

*Justification*

*The exclusion of these activities has been justified elsewhere. Reference should also be made to them here.*

**Amendment 383**  
**Mara Bizzotto**

**Proposal for a regulation**  
**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In the interests of greater financial transparency, guaranteed by establishing a closer correlation between the arrangements for securing funding and the cost centres, the port management body should have own resources whose level is determined on the basis of the volume of traffic handled by the port. The own resources would take the form of a share of the tax revenue generated by the commercial activities carried out in the port and of standard port revenues. This provision would strengthen the EU's principle of subsidiarity and impose restrictions on the allocation of government resources, which in some cases could take the form of State aid.***

Or. it

**Amendment 384**  
**Dominique Vlasto**

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

*Text proposed by the Commission*

*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 separate from the accounts of its*** other activities, in such a way that :

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

Or. fr

### *Justification*

*The public funding perception of is fundamental for determining whether the port should keep one or two sets of accounts, but it is vital not to pave the way for separate accounting for each kind of port service activity. The amendment is simply to clarify the wording so as not to impose excessive red tape on port managing bodies.*

#### **Amendment 385**

**Franco Frigo, David-Maria Sassoli, Antonio Cancian**

#### **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 ***and of public funds received*** separate from the accounts of its other activities, in such a way that :

Or. it

#### **Amendment 386**

**Georgios Koumoutsakos**

#### **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 ***publicly funded*** activity ***or investment, and of dredging*** separate from the accounts of its other activities, in such a way that:

Or. en

**Amendment 387**  
**Dieter-Lebrecht Koch**

**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

**Amendment 388**  
**David-Maria Sassoli, Franco Frigo**

**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 **that publicly funded activity or investment** separate from the accounts of its other activities, in such a way that:

Or. en

**Amendment 389**  
**Karim Zéribi**

**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

*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 separate from the accounts of** its other activities, in such a way that :

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. fr

#### *Justification*

*This directive requires transparency on the use of public funds. However, this should not lead to a strict separation of accounts for all port activities receiving public funding, particularly where those funds are only used in a single area.*

### **Amendment 390** **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 391** **Giommaria Uggias**

#### **Proposal for a regulation** **Article 12 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. it

**Amendment 392**

**Franco Frigo, David-Maria Sassoli, Antonio Cancian**

**Proposal for a regulation**

**Article 12 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. it

**Amendment 393**

**Jean-Pierre Audy**

**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**

*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 **and** any other form of public

*retained or* any other form of public financial support.

financial support.

Or. fr

*Justification*

*Dividends paid out and profits retained should not be classed as public funds.*

**Amendment 394**

**David-Maria Sassoli, Franco Frigo**

**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 *body designated pursuant to* Article 17 for five years from the end of the fiscal year to which the information refers.

Or. en

**Amendment 395**

**Slawomir Nitras, Artur Zasada**

**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

*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 *public* body as referred to in



as referred to in Article 17 for five years from the end of the fiscal year to which the information refers.

Article 17 for five years from the end of the fiscal year to which the information refers.

Or. pl

**Amendment 396**  
**Corien Wortmann-Kool**

**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, **in the event of a formal complaint and upon request**, make available to the Commission and **to the body designated pursuant to Article 17** 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 **and State aid rules**. The information shall be transmitted within two months from the date of the request.

Or. en

**Amendment 397**  
**David-Maria Sassoli, Franco Frigo**

**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

*Amendment*

5. The managing body of the port shall make available to the Commission and the **body designated pursuant to Article 17**, 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.

transmitted within two months from the date of the request.

Or. en

*Justification*

*Information should always be available to the supervisory body, not only in case of complaints.*

**Amendment 398**

**Slawomir Nitras, Artur Zasada**

**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 ***public*** 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. pl

**Amendment 399**

**Dominique Vlasto**

**Proposal for a regulation**

**Article 12 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Paragraph 2 of this article shall not apply to the ports included in the overall TEN-T network, as defined in Annex I to Regulation XXX (Regulation on the***

*Trans-European Transport Network guidelines), whose turnover is beneath the threshold laid down in Directive 2006/111/EC.*

Or. fr

*Justification*

*Small ports should not be subject to transparency requirements beyond the limits of their own administrative capabilities. The threshold for establishing the scope of the provisions on financial transparency should be identical to that laid down in Directive 2006/111/EC.*

**Amendment 400**

**Mathieu Grosch, Ivo Belet, Marianne Thyssen**

**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 the access and land infrastructure as well as the terminal or project related infrastructure stay within the public remit, as long as these infrastructures are managed and exploited by the managing body of the port in a non-commercial way.***

Or. en

*Justification*

*Essential in a coherent application of State aid rules is the qualification of the relation between the managing body of the port, as manager of infrastructure and the user of this infrastructure. If this relationship is of a non-commercial nature, the funding stays within the public remit.*

**Amendment 401**

**Mathieu Grosch, Ivo Belet, Marianne Thyssen**

**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 service involved.***

Or. en

*Justification*

*Essential in a coherent application of State aid rules is the qualification of the relation between the managing body of the port, as manager of infrastructure and the user of this infrastructure. As “superstructure” is by definition directly related to the port service, to be conceived as an economic activity, any kind of public funding stays out of the public remit.*

**Amendment 402**  
**Knut Fleckenstein**

**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

*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, 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.

1. The charges for the services provided by an internal operator 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 a port service in accordance with point (b) of Article 6(1),*** shall be set in a transparent and non-discriminatory way. These charges shall, ***as far as possible,*** reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

**Amendment 403**  
**Giommara Uggias**

**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, 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 be **commensurate with** the economic value of the service provided.

Or. it

**Amendment 404**  
**Philip Bradbourn**

**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

*Amendment*

1. The charges for **port** services provided **either** by an internal operator as referred to in Article 9 **or** 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, **which in either case are wholly or mainly publicly funded**, shall be set in a transparent and non-discriminatory way.

competitive relevant market and shall not be disproportionate to the economic value of the service provided.

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 405**  
**Tanja Fajon**

**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(1), and the charges levied by providers of ***a*** port service ***performed in public interest in accordance with point (b) of Article 6(1)***, shall be set in a transparent and non-discriminatory way. These charges shall, ***as far as possible***, reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.

Or. en

**Amendment 406**  
**Kathleen Van Brempt, Saïd El Khadraoui**

**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***

*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

*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.

shall be *proportional* to the economic value of the service provided.

Or. nl

#### *Justification*

*If the Commission wants to be sure (see Article 13(3)) that port service charges are not disproportionate to the economic value of the service provided, the transparency obligations must be the same for all types of port service provider in any circumstances.*

#### **Amendment 407** **Giommaria Uggias**

#### **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 independent supervisory body as referred to in Article 17 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. it

#### **Amendment 408** **Dominique Vlasto**

**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 body **designated pursuant to** Article 17, **in the event of a formal complaint**, 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.

Or. fr

*Justification*

*To complement the rapporteur's amendments relating to independent supervision, it would be more pertinent not to detail the type of information to be sent in the event of a formal complaint, so as not to create an excessive administrative burden.*

**Amendment 409**  
**Slawomir Nitras, Artur Zasada**

**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***

*Amendment*

3. The port service provider shall make available to the competent **public** body, 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.



*charges with regard to the facilities and services to which these port service charges relate to.*

Or. pl

*Justification*

*The current systems for controlling the level of port service charges in the individual Member States should be maintained. Conferring these competences to new bodies is not justified. Furthermore, the principle of commercial confidentiality should be taken into account to a greater extent when determining the scope of the information to be transmitted.*

**Amendment 410**  
**Giommaria Uggias**

**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. The managing body of the port shall levy a port infrastructure charge. ***These charges may have the nature and form of taxes.*** This shall not prevent providers of port services which are using port infrastructures from levying port service charges.

Or. it

**Amendment 411**  
**Philip Bradbourn**

**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

*Amendment*

2. The payment of the port infrastructure charges may be integrated ***with*** other payments, such as the payment of the port service charges. In this case, ***where*** the

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.

managing body of the port *is wholly or mainly publicly funded*, it shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.

Or. en

**Amendment 412**  
**Giommaria Uggias**

**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. it

**Amendment 413**  
**Ramon Tremosa i Balcells**

**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

*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.

conditions of the relevant market and **with due regard to** State aid **and competition** rules.

Or. en

#### *Justification*

*Managing bodies of the ports are involved in economic activities and operate in competitive markets. In order to provide them with proper autonomy to pursue their commercial strategy, the reasons for which port infrastructure charges can vary should not be regulated. In addition, the possibility to negotiate individually with port users should be allowed to attract new traffics or retain existing ones during downturns. But it is clear that State aid and competition rules should be respected.*

#### **Amendment 414**

**Francesca Barracciu, Franco Frigo**

#### **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 State aid rules, ***bearing in mind in relation to the latter that geographically disadvantaged regions such as islands have a greater need for specific support.***

Or. it

#### *Justification*

*For islands in particular, the cost of modernising infrastructure may be onerous. It is right that these problems be reflected in the rates charged for use of this infrastructure.*

**Amendment 415**  
**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 defined by the ***competent authority*** reflecting competitive conditions of the relevant market and in accordance with State aid rules.

Or. en

**Amendment 416**  
**Inés Ayala Sender**

**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 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 rather than leaving this to their managing authority as it is the case for the rail and air sector. If the level of charges is set taking into consideration the market and respecting State aid rules, this should be permitted.*

**Amendment 417**  
**Philip Bradbourn**

**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** commercial practices, **relating inter alia** 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 **comply with State aid and** competition rules.

Or. en

**Amendment 418**  
**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,**

*Amendment*

4. Without prejudice to paragraph 3, port infrastructure charges may vary, **inter alia,** 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 **fair and with due regard**

***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.***

***to State aid and*** competition rules.

Or. en

#### *Justification*

*Managing bodies of the ports are involved in economic activities and operate in competitive markets. In order to provide them with proper autonomy to pursue their commercial strategy, the reasons for which port infrastructure charges can vary should not be regulated. In addition, the possibility to negotiate individually with port users should be allowed to attract new traffics or retain existing ones during downturns. But it is clear that State aid and competition rules should be respected.*

#### **Amendment 419 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

### *Justification*

*The managing body of the port should have enough flexibility to decide on the port infrastructure charges. The criteria used should however also be in line with European competition rules and existing State aid rules.*

#### **Amendment 420**

**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 commercial practices related to frequent users, or in order to promote a more efficient use of the port infrastructure ***and*** short sea shipping. The criteria used for such a variation shall be in due respect of ***state aid and*** competition rules.

Or. nl

#### **Amendment 421**

**Karim Zéribi**

#### **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***, commercial practices ***and spatial***

***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.***

***planning policy, as defined by the port.*** ***These charges may thus vary in particular according to how frequently the port is used, the promotion of*** 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 ***comply with the rules on state aid and competition, take into account external costs and respect the principle of non-discrimination on grounds of nationality.***

Or. fr

### *Justification*

*While the principles of objectivity, transparency and non-discrimination are considered to be the cornerstone of healthy market opening due to their prevention of abuses, the managing body of the port should nevertheless be given greater leeway in terms of setting charges in accordance with its economic strategy and on the basis of individual negotiations with users.*

### **Amendment 422** **Georgios Koumoutsakos**

#### **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***

##### *Amendment*

4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with ***the port's economic strategy and*** commercial practices, ***relating inter alia*** to frequent users, or in order to promote, ***among 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, ***while ensuring compliance with the State aid and*** competition rules.



*users on equal terms.*

Or. en

#### **Amendment 423**

**Corien Wortmann-Kool**

#### **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 relating inter alia* 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 transparent and *shall comply with the State aid and* competition rules.

Or. en

#### **Amendment 424**

**Peter van Dalen**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Port management bodies shall levy differentiated charges for the use of port infrastructures so as to promote energy-saving and carbon-efficient transport, favouring to ships with good environmental performances over those*

*lagging behind in this respect.*

Or. nl

**Amendment 425**  
**Gesine Meissner**

**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

**Amendment 426**  
**Slawomir Nitras, Artur Zasada**

**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*

*Justification*

*In practice, this provision gives the Commission the right to interfere in the charges published by port management. Giving authorisation to issue delegated acts in this area may violate the autonomy of port management bodies and contradict the principle of economic freedom.*

**Amendment 427****Karim Zérìbi****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 **international** classifications of vessels **and fuels that are liable to affect the variation of infrastructure charges and the common environmental guidelines that enable the port authority to take into account the existing fleet.**

*Justification*

*The establishment of delegated acts should allow major issues currently being referred to the IMO to be managed at EU level, whilst respecting the independence of ports. Common guidelines should also be made available to give port authorities some idea of the effectiveness of certain environmental mechanisms.*

**Amendment 428****Peter van Dalen****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 classifications of vessels **and** fuels, according to which the infrastructure charges can vary.

Or. nl

**Amendment 429**  
**Georgios Koumoutsakos**

**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.

Or. en

**Amendment 430**  
**Dieter-Lebrecht Koch**

**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

*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***.

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 and common ***environmental*** charging ***guidelines enabling the port managing bodies to take into account the existing fleet***.

Or. en

**Amendment 431**  
**Dominique Vlasto, Dominique Riquet**

**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, ***internationally recognised*** classifications of vessels ***and*** fuels according to which the infrastructure charges can vary.

Or. fr

*Justification*

*To complement the rapporteur's amendment, the international nature of maritime transport means that it should be specified that the common classifications in question are those that are internationally recognised.*

**Amendment 432**  
**Philip Bradbourn**

**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 **a port which is wholly or mainly publicly funded** 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. It shall inform users of the port **infrastructure** 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

**Amendment 433**  
**Karim Zéribi**

**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 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, **without, however, any connection being made between them**. 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. fr

## Justification

While transparency in terms of costs and the amount of port charges is a goal to be achieved under this directive, it should not, however, result in a direct link being made between the two, which would result in excessive red tape.

### Amendment 434

Gesine Meissner

#### Proposal for a regulation

##### Article 14 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

### Amendment 435

Philip Bradbourn

#### Proposal for a regulation

##### Article 14 – paragraph 7

*Text proposed by the Commission*

*Amendment*

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

7. The managing body of **a port which is wholly or mainly publicly funded** shall, **in the event of a formal complaint**, make available to the **relevant body designated pursuant to Article 17** and to the Commission, upon request, the information

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*.

referred to in paragraph 4 serving as a basis to determine the structure and 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.

Or. en

**Amendment 436**  
**Karim Zéribi**

**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 **and 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. fr

*Justification*

*The principle of transparency must be applied in the relations between the port authority, the independent supervisory body and the Commission.*

**Amendment 437**  
**Dominique Vlasto, Dominique Riquet**



**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, **in the event of a formal complaint and** upon request, **make available to the body designated pursuant to Article 17 and to the Commission** the information referred to in paragraph 4, **which shall serve** as a basis to determine the structure and the level of the port infrastructure charges.

Or. fr

*Justification*

*To complement the rapporteur's amendments relating to independent supervision, it would be more pertinent not to detail the type of information to be sent in the event of a formal complaint, so as not to create an excessive administrative burden.*

**Amendment 438**  
**Slawomir Nitras, Artur Zasada**

**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

*Amendment*

7. The managing body of the port shall make available to the competent **public** 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.

charges relate to.

Or. pl

**Amendment 439**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 14a**

***Financial transparency of privately  
owned and operated ports***

***Without prejudice to requirements under State aid, competition law and other relevant legislation, transparency requirements under Articles 13 and 14 may not apply in the cases of privately owned and operated ports if the disclosure of information in the setting of charges relates to impending developments or matters in the course of negotiations that may, as a consequence, interfere with the business model, and ultimately, distort competition. For this reason, the managing body should be able to decide whether disclosing such information would be seriously prejudicial to the interests of the undertaking. Where the managing body has not disclosed information according to this paragraph, it shall provide a statement to this effect.***

Or. en

*Justification*

*Transparency requirements between publicly owned and privately owned ports should be differentiated to reflect the need of a private business for some flexibility in setting a charge in accordance with its business strategy.*

**Amendment 440**  
**Slawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 15**

*Text proposed by the Commission*

*Amendment*

**Article 15**

**deleted**

**Consultation of port users**

**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".**

**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.**

Or. pl

*Justification*

*There is no need for separate users' committees. This provision will burden the port management bodies with additional obligations relating to the organisation of meetings. Articles 15 and 16 should be combined, freedom to decide the name of the stakeholders' committee should be maintained, and every port stakeholder should be given the freedom to nominate its own representative. Port management should not have the right to select committee members.*

**Amendment 441**  
**Philip Bradbourn**

**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 **a port which is wholly or mainly publicly funded** 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”.

Or. en

**Amendment 442**  
**Karim Zéribi**

**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 **ensure that appropriate consultation mechanisms exist, bringing together, amongst others,** representatives of operators of waterborne vessels, cargo owners or other port users, **including representatives of interconnected transport service providers. These consultations shall enable stakeholders to be adequately informed about the structure and level of port infrastructure charges, especially where they are modified substantially, before such modifications are implemented and before such charges are set.**

Or. fr

### *Justification*

*As regards consultation with stakeholders, this directive should focus on a requirement to achieve results, rather than on how those results are achieved, to allow Member States and ports to implement the provisions of this directive in the most appropriate manner in accordance with local, regional and/or national circumstances. Therefore, these consultations must be able to take place and enable any substantial changes to pricing policy to be notified in a timely manner.*

#### **Amendment 443**

**Phil Bennion**

#### **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 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’. ***The managing body of a privately owned and operated port may decide not to establish such a committee.***

Or. en

### *Justification*

*The establishment of such a committee for private ports would undermine normal commercial practices and negotiations between the managing body of the port and its customers.*

#### **Amendment 444**

**Sabine Wils**

#### **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 **ensure that port users who are requested to pay an infrastructure charge, or their representatives, are informed in an appropriate manner, prior to the setting of the charge, of the structure and of the criteria for fixing the level of charges, in particular when significant changes are made to charges.**

Or. de

*Justification*

*Procedures for consulting port users already exist in most European ports. The regulation should lay down only the basic principle of port-user consultation, whilst decisions on the practical arrangements should be left to the managing body of the port.*

**Amendment 445**

**Karim Zéribi**

**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 providers of port services as referred to in Article 6 and in Article 9(1) shall consult, prior to the setting of port service charges, the port **users** on the structure and level of such charges. **The latter** shall be informed of the results of the consultation by the providers of port services.

*Justification*

*This amendment is in line with the amendment to the previous paragraph.*

**Amendment 446**  
**Philip Bradbourn**

**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 **a port which is wholly or mainly publicly funded** 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 **in either case which is wholly or mainly publicly funded** 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.

Or. en

**Amendment 447**  
**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**

*Amendment*

2. The managing body of the port shall consult on an annual basis the port users on

***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.

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 by the providers of port services.

Or. en

#### **Amendment 448 Tanja Fajon**

#### **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 ***provide the port users with adequate information about the structure and criteria used to determine the*** port infrastructure charges. ***It shall consult*** the port users ***in the event of substantial changes to the port infrastructure charges prior to the setting*** of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult ***the port users,*** on an annual basis ***and*** prior to the setting of port service charges ***performed in public interest,*** 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.

Or. en



**Amendment 449**  
**Sabine Wils**

**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. Providers of port services within the meaning of Articles 6 and 9 shall consult port users prior to the setting of port service charges on the structure and level of such charges. *The port-service providers shall inform* the managing body of the port *of the outcome of the consultation.***

Or. de

*Justification*

*Procedures for consulting port users already exist in most European ports. The regulation should lay down only the basic principle of port-user consultation, whilst decisions on the practical arrangements should be left to the managing body of the port.*

**Amendment 450**  
**Antonio Cancian**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The committee of representatives referred to in paragraph 1 is subject to operating rules which restrict their tasks to only what is strictly essential and will**

*not compromise the speed and efficiency with which the port management body acts. Where the national laws of a Member State already provide for a body with attributes equivalent to those of the committee of representative referred to in paragraph 1, even if its composition is completely different, it shall be considered that the requirements of this article have been met.*

Or. it

**Amendment 451**  
**Spyros Danellis**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. The managing body shall make efforts to ensure that significant changes to the structure or level of infrastructure charges are made in agreement with the port users' advisory committee.*

Or. en

*Justification*

*A co-operative and open relationship between the port authority and port users can contribute to better long-term results for the port.*

**Amendment 452**  
**Spyros Danellis**

**Proposal for a regulation**  
**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2b. The managing body of the port will*

*discuss long-term port development planning with the users committee in order to assess future needs and to decide on investment projects.*

Or. en

*Justification*

*The users advisory committee is an ideal forum for the assessment of long-term planning on behalf of the port authority.*

**Amendment 453**  
**Brian Simpson**

**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' representatives*** and public administrations operating in the port area on the following:

Or. en

*Justification*

*All relevant stakeholders, including workers' representatives, should be consulted on subjects such as the proper coordination of port services or the efficiency of the administrative procedures.*

**Amendment 454**  
**Karim Zéribi**

**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, ***representatives of port service workers***, cargo owners, land transport operators and public administrations operating in the port area, ***in addition to representatives of residents living near the port area and representatives of non-governmental organisations (NGOs)*** on the following:

Or. fr

*Justification*

*The number of people consulted on such matters should be extended.*

**Amendment 455**  
**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 456**  
**Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt**

**Proposal for a regulation**

**Article 16 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 457**

**Sabine Wils**

**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 and public administrations operating in the port area, **environmental groups and workers' representatives** on the following:

Or. de

*Justification*

*Workers' representatives and environmental groups must also be consulted, as they represent important interests.*

**Amendment 458**  
**Slawomir Nitras, Artur Zasada**

**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 **establish a** stakeholders' **committee whose composition should include, in particular,** 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. **The agreement of the port management shall not be required in order to join this committee. Stakeholders shall have full freedom to select their representatives in the committee. Port management shall consult the stakeholders' committee on decisions – including investment decisions – that may have a significant impact on port operations, including in particular:**

Or. pl

*Justification*

*The scope of consultations set out in Article 16 should be expanded. Port management bodies should consult on all decisions that may have a significant impact on the operations of port stakeholders. Stakeholders should be consulted in particular on port fees and charges.*

**Amendment 459**  
**Giommaria Uggias**

**Proposal for a regulation**  
**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) the proper coordination of port services within the port, **including those concerning safety and security**;

Or. it

**Amendment 460**  
**Karim Zéribi**

**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. fr

*Justification*

*Self-explanatory.*

**Amendment 461**  
**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 462**  
**Slawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 16 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) the structure and level of charges for  
the use of port infrastructure.***

Or. pl

**Amendment 463**  
**Sabine Wils**

**Proposal for a regulation**  
**Article 17**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. de

*Justification*

*This additional supervisory body is superfluous. It will merely generate more red tape and administrative costs.*

**Amendment 464**  
**Slawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 17**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. pl



*Justification*

*Adequate supervisory bodies already exist in the Member States and there is no reason to create an additional supervisory body. Ports are, in principle, commercial companies and supervisory boards should be responsible for supervising their activities. National supervisory bodies already have exceptional additional supervisory competences that are justified on grounds of public interest and protection of competitiveness.*

**Amendment 465**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

***Independent supervisory body***

***Application of this Regulation***

Or. en

**Amendment 466**  
**Georgios Koumoutsakos**

**Proposal for a regulation**  
**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

***Independent supervisory body***

***Independent supervision***

Or. en

**Amendment 467**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

***Independent supervisory body***

***Application of the Regulation***

**Amendment 468**  
**Karim Zéribi**

**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 independent supervisory body monitors and supervises ***compliance with this Directive*** in all the seaports covered by this ***Directive*** on the territory of each Member State.

Or. fr

**Amendment 469**  
**Philip Bradbourn**

**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 ***take appropriate measures, in accordance with national law, to monitor the proper application of this Regulation.***

Or. en

**Amendment 470**  
**Philippe De Backer**

**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 471**  
**Georgios Koumoutsakos**

**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 mechanisms are 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. ***To that end, the Member States shall designate one or several bodies to handle different types of complaints or cover different geographical areas.***

Or. en

**Amendment 472**  
**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 ***take appropriate measures, in accordance with European and national law to monitor the proper application of this Regulation.***

Or. en

#### **Amendment 473**

**David-Maria Sassoli, Franco Frigo**

#### **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. ***In respect of the subsidiary principle and the national Regulations, each Member State*** shall ensure that an independent supervisory body monitors and supervises the application of this Regulation in all the seaports covered by this Regulation on ***its*** territory.

Or. en

#### *Justification*

*The European supervisory body is meant at solving disputes and litigations involving cross-bordering countries. Though the Regulation covers the whole European territory, each country may interpret dispositions slightly differently, leading to potential problems when the issue involves neighbouring countries.*

#### **Amendment 474**

**Silvia-Adriana Țicău**

#### **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 ***designate a public*** independent supervisory body ***and ensure that it*** monitors and supervises the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State.

Or. ro

**Amendment 475**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that any party with a legitimate interest has the right and is informed about how to lodge a complaint against the decisions or individual measures taken pursuant to the provisions of this Regulation.***

Or. en

**Amendment 476**  
**Philip Bradbourn**

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

*Text proposed by the Commission*

*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***

***deleted***

*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.*

Or. en

**Amendment 477**  
**Georgios Koumoutsakos**

**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 independent **supervision** shall be **carried out in a manner which is** 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 **that there is** effective structural separation between the functions relating to the **handling of complaints** and the activities associated with that ownership or control. The independent **supervision** shall **be impartial and transparent and shall duly** respect the right to freely conduct business.

Or. en

**Amendment 478**  
**Gesine Meissner**

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

*Text proposed by the Commission*

*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.**

**2. Member States shall ensure that any party with a legitimate interest has the right to lodge a complaint against the decisions or individual measures taken pursuant to the provisions of this Regulation.**

Or. en

**Amendment 479**  
**Spyros Danellis**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that the supervisory authority can take autonomous decisions, independently from any political body and that adequate human and financial resources are at its disposal in order to carry out its duties.**

Or. en

*Justification*

*Additional provisions to ensure the independence of the supervisory bodies.*

**Amendment 480**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that any party with a legitimate interest has the right and is informed about how to lodge a complaint against the decisions or individual measures taken pursuant to the provisions of this Regulation.***

Or. en

**Amendment 481**  
**Philip Bradbourn**

**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.***

*deleted*

Or. en

**Amendment 482**  
**Georgios Koumoutsakos**

**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. The Member States shall ensure that any party with a legitimate interest has the right to be, and is, informed about how to lodge a complaint arising in connection with the application of this Regulation.***



**Amendment 483**  
**Gesine Meissner**

**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 notify to the Commission which mechanisms and procedures are used or put in place to comply with paragraph 1 and 2 of this Article twelve months after the entry into force of the Regulation at the latest and subsequently any modification thereof.***

**Amendment 484**  
**Philip Bradbourn**

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

*Text proposed by the Commission*

***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.***

*Amendment*

***deleted***

**Amendment 485**  
**Antonio Cancian**

**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. it

**Amendment 486**  
**Gesine Meissner**

**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 487**  
**David-Maria Sassoli, Franco Frigo**

**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**

*deleted*

*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.*

Or. en

**Amendment 488**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

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.

*Amendment*

4. In the event that the dispute arises between parties established in different Member States, the Member State of the port where the dispute is presumed to have its origin shall have competence to *resolve* the dispute. *The Member States concerned shall cooperate with each other and exchange information concerning their work.*

Or. en

**Amendment 489**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

*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.*

*Amendment*

*deleted*

Or. en

**Amendment 490**  
**Georgios Koumoutsakos**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

5. ***In the event that a formal complaint is lodged by any party with a legitimate interest, the relevant body providing independent supervision*** 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.

Or. en

**Amendment 491**  
**Spyros Danellis**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

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.

*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. ***The relevant Member State shall make the necessary efforts to ensure that managing bodies cooperate with the supervisory body to that end.***

Or. en

*Justification*

*An additional provision to ensure the effectiveness of the supervisory body.*

**Amendment 492**  
**Philip Bradbourn**

**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 493**  
**Georgios Koumoutsakos**

**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 494**  
**Gesine Meissner**

**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 495**

**David-Maria Sassoli, Franco Frigo**

**Proposal for a regulation**

**Article 17 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. To guarantee fair and uniform conditions in judging litigations originated by the application of this Regulation, it is suitable to empower the Commission to identify a European body whose decisions are binding for the interested parts. This European body takes care of issues that its national branches are not able to solve because of the crossing of territorial/jurisdiction boundary limits.**

Or. en

**Amendment 496**

**Philip Bradbourn**

**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**

*deleted*

*the complaints or disputes.*

Or. en

**Amendment 497**

**Gesine Meissner**

**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 498**

**Georgios Koumoutsakos**

**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.**

**7. When dealing with complaints or disputes, the relevant body providing independent supervision may consult those members of the port users' advisory committee of the port concerned which are affected by the complaint or dispute.**

Or. en

**Amendment 499**

**Philip Bradbourn**

**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 500**  
**Gesine Meissner**

**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 501**  
**Georgios Koumoutsakos**

**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.

8. The decisions of the **relevant body providing independent supervision** shall have binding effects, without prejudice to judicial review.

Or. en

**Amendment 502**  
**Spyros Danellis**



**Proposal for a regulation**  
**Article 17 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. The independent supervisory body may cooperate with relevant competition authorities in carrying out its duties.***

Or. en

*Justification*

*Competition authorities may have worked on the same or similar issues as the supervisory bodies previously, and a successful relationship and exchange of information between them would be constructive.*

**Amendment 503**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

***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.***

***deleted***

Or. en

**Amendment 504**  
**Philip Bradbourn**

**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 ***which mechanisms and procedures are used or put in place to comply with paragraph 1 and 2 of this Article twelve months after the entry into force of the Regulation at the latest and subsequently any modification thereof.***

Or. en

#### **Amendment 505**

**Georgios Koumoutsakos**

#### **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 ***mechanisms and procedures put in place to comply with paragraph 1 and 2 of this Article*** by 1 July 2018 at the latest and, subsequently, any modification thereof. The Commission shall publish and update the list of the ***relevant bodies providing*** independent ***supervision*** on its website.

Or. en

#### **Amendment 506**

**David-Maria Sassoli, Franco Frigo**

#### **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

*Amendment*

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.

independent supervisory bodies **within 12 months after the entry in force of the present 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. en

**Amendment 507**  
**Georgios Koumoutsakos**

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

*Text proposed by the Commission*

*Amendment*

***9a. The bodies providing independent supervision shall exchange information on their work and decision-making principles and practices to the extent necessary for the coherent application of this Regulation. The Commission shall support them in these tasks.***

Or. en

**Amendment 508**  
**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 regard to the obligations laid down in this Regulation, and may start infringement proceedings against Member States.***

*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 509**  
**Philip Bradbourn**

**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 510**  
**Georgios Koumoutsakos**

**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 511**  
**Sabine Wils**

**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. de

#### *Justification*

*Cooperation involving a network of independent supervisory bodies would undermine the EU's federal structure. In the light of recent experiences with the NSA, the provisions governing information and data exchange are woefully inadequate. The EU's federal structure is fundamental to its identity, however, and must be safeguarded. The German Bundesrat has already drawn attention to this issue in its opinion on the proposal for a regulation, citing it as a reason for rejecting the proposal.*

**Amendment 512**  
**Antonio Cancian**

**Proposal for a regulation**  
**Article 18**



**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. it

### **Amendment 513**

**Ślawomir Nitras, Artur Zasada**

#### **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 514**  
**Jean-Pierre Audy**

**Proposal for a regulation**  
**Article 18 – title**

*Text proposed by the Commission*

Cooperation between independent supervisory bodies

*Amendment*

Cooperation between independent supervisory bodies **and the European supervisory body**

Or. fr

## **Amendment 515**

**Karim Zéribi**

### **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 independent supervisory bodies shall exchange information about their work and decision-making principles and practices in order to facilitate a **harmonised** implementation of this **Directive**. 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 **in** and support the work of the network.

Or. fr

#### *Justification*

*The exchange network should remain purely informal in order to improve exchanges between authorities. While the Commission may take part in these exchanges, it would only have a right of scrutiny.*

## **Amendment 516**

**Philippe De Backer**

### **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 517**  
**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 network.

*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 and ***financially*** support the work of the network.

Or. en

**Amendment 518**  
**Jean-Pierre Audy**

**Proposal for a regulation**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. A European supervisory body responsible for coordinating and supervising the independent supervisory bodies shall be established.***

Or. fr

*Justification*

*It would be useful to supervise the national supervisory bodies at EU level.*

**Amendment 519**

**Karim Zérìbi**

**Proposal for a regulation**

**Article 18 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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 **out** its tasks. The information requested by the Commission shall be proportionate to the performance of those tasks.

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 **out** its tasks. The information requested by the Commission shall be **necessary and** proportionate to the performance of those tasks.

Or. fr

*Justification*

*The role of the Commission should be restricted to a right of scrutiny over the exchanges between independent bodies and should be closely linked to the tasks conferred upon it.*

**Amendment 520**

**Jean-Pierre Audy**

**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*

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

Or. fr

**Amendment 521**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

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.

*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 **or** by the managing body of the port to an appeal body which is independent of the parties involved. This appeal body may be a court.

Or. en

**Amendment 522**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Any party with a legitimate interest **shall**

*Amendment*

1. Any party with a legitimate interest **may**,

*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.

*under the conditions laid down in Article 263 paragraph 4 TFEU*, appeal against *a decision* or individual *measure* taken under this Regulation by the competent authorities *or* by the managing body of the port to an appeal body which is independent of the parties involved. This appeal body may be a court.

Or. en

**Amendment 523**  
**Slawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

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.

*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 *competent public* body to an appeal body which is independent of the parties involved. This appeal body may be a court.

Or. pl

**Amendment 524**  
**Philip Bradbourn**

**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

*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 by 1 July **2015** at the latest and shall notify it without delay of any subsequent amendment affecting them.

for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 1 July **2018** at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. en

**Amendment 525**  
**Georgios Koumoutsakos**

**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 **3 years after the entry into force** at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. en

**Amendment 526**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 21**

*Text proposed by the Commission*

*Article 21*

*Exercise of the delegation*

**1. The power to adopt delegated acts is conferred on the Commission subject to**

*Amendment*

*deleted*

*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 527**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 21**

**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 528**  
**Luis de Grandes Pascual**

**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. es

**Amendment 529**

**Slawomir Nitras, Artur Zasada**

**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

*Justification*

*In practice, this provision gives the Commission the right to interfere in the charges published by port management. Giving authorisation to issue delegated acts in this area may violate the autonomy of port management bodies and contradict the principle of economic freedom.*

**Amendment 530**  
**Silvia-Adriana Țicău**

**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* period of *five years from [OPOCE, please insert the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegated power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no less than three months before the end of each period.*

Or. ro

**Amendment 531**  
**Philippe De Backer**

**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

*Justification*

*Cargo handling covers most of the activities within the port area. The exclusion, as referred to in Article 11, limits the scope largely. In order to monitor those exceptions closely, the Commission should produce a report on this within two years. If the Commission decides that the exclusion distorts the market, they should come up with legislative proposals to broaden the scope of Chapter II of this Regulation.*

**Amendment 532**  
**Karim Zéribi**

**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**

*Amendment*

***For the purpose of assessing the functioning and effect of this Directive, the Commission shall present two reports to the European Parliament and the***

*the functioning and effect of this Regulation*, accompanied, if appropriate, by relevant proposals.

**Council.** No later than three years after the entry into force of this *Directive*, the Commission shall present a *mid-term* report and, *within six years of the entry into force of this Directive, it shall present a second report* accompanied, if appropriate, by relevant proposals. *These reports will take account of the progress made and will draw upon the opinions expressed by the social dialogue committee for the ports sector.*

Or. fr

#### *Justification*

*The opinions of the social partners should be included when future reports are drawn up, in order to strengthen the legitimacy of the Commission's proposals as far as social measures are concerned.*

#### **Amendment 533**

**Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt**

#### **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*

***For the purposes of evaluating the functioning and effect of this Regulation, two reports shall be presented to the European Parliament and to the Council.*** 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*** to the European Parliament and the Council on the functioning and effect of this Regulation, accompanied, if appropriate, by relevant proposals. ***The reports of the Commission shall take into account the progress achieved by the sectoral social dialogue committee.***



**Amendment 534**  
**Inés Ayala Sender**

**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*

***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.***

**Amendment 535**  
**Spyros Danellis**

**Proposal for a regulation**  
**Article 24 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States may exempt pilotage services from the application of the provisions of Chapter II for a period of two years.***

*Justification*

*Member States should be given an additional two years to ensure that the applications of the provisions of Article 7 are introduced seamlessly, without affecting the effectiveness and safety of the service.*

**Amendment 536**  
**Karim Zérìbi**

**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. fr

*Justification*

*Addition of an article on transposition as part of the conversion from a regulation into a directive.*

**Amendment 537**  
**David-Maria Sassoli, Franco Frigo**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***It shall apply with effect from 12 months after the entry in force of the Regulation.***

Or. en

*Justification*

*It is not clear when the Regulation will be formally adopted, so it is not appropriate to put a fixed date for its effective application.*

**Amendment 538**

**Karim Zérìbi**

**Proposal for a regulation**

**Article 25 – paragraph 2**

*Text proposed by the Commission*

***It shall apply with effect from 1 July 2015.***

*Amendment*

***deleted***

Or. fr

**Amendment 539**

**Philip Bradbourn**

**Proposal for a regulation**

**Article 25 – paragraph 2**

*Text proposed by the Commission*

It shall apply with effect from 1 July **2015**.

*Amendment*

It shall apply with effect from 1 July **2018**.

Or. en

**Amendment 540**  
**Slawomir Nitras, Artur Zasada**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

It shall apply with effect from 1 July **2015**.

*Amendment*

It shall apply with effect from 1 July **2018**.

Or. pl

**Amendment 541**  
**Karim Zéribi**

**Proposal for a regulation**  
**Article 25 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. fr

**Amendment 542**  
**Antonio Cancian**

**Proposal for a regulation**  
**Article 25 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. it