



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Transport and Tourism

2013/0157(COD)

4.12.2013

AMENDMENTS

85 - 299

Draft report
Knut Fleckenstein
(PE521.596v01-00)

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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Amendment 85
Sabine Wils, Keith Taylor

Proposal for a regulation

—

Proposal for a rejection

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

Or. de

Justification

This regulation is entirely unnecessary. In the Portius study 80 % of those questioned said they were satisfied with the arrangements governing access to the market in port services. The Commission is trying to push through the adoption of Port Packages I and II partly in order to restrict workers' rights and water down social standards. The proposal includes references to the Concessions Directive, which has not yet been adopted and whose wording is not known. The proposal also constitutes a serious breach of the subsidiarity principle.

Amendment 86
Ślawomir Nitras, Artur Zasada, Jarosław Leszek Wałęsa

Proposal for a regulation

—

Proposal for a rejection

***The European Parliament rejects the
motion for a resolution.***

Or. pl

Amendment 87
Philip Bradbourn

Proposal for a regulation

—

Proposal for a rejection

The European Parliament rejects the Commission proposal.

Or. en

Amendment 88

Karim Zéribi

Proposal for a regulation

Title 1

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a framework on market access
to port services and financial transparency
of ports
(Text with EEA relevance)

Or. fr

Justification

Due to the economic disparity between ports in Europe, some flexibility must be permitted between TEN-T ports in the European approach. In this context, a directive appears more appropriate than a regulation.

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

Amendment 89

Philip Bradbourn

Proposal for a regulation

Title 1

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a framework on market access
to port services and financial transparency
of ports
(Text with EEA relevance)

Or. en

Justification

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

Amendment 90
Peter van Dalen

Proposal for a regulation
Title 1

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a framework on market access
to port services and financial transparency
of ports
(Text with EEA relevance)

Or. nl

Justification

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

Amendment 91
Antonio Cancian

Proposal for a regulation
Title 1

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a framework on market access
to port services and financial transparency
of ports
(Text with EEA relevance)

Or. it

Justification

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

Amendment 92
Sabine Wils

Proposal for a regulation
Title 1

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE
COUNCIL
establishing a framework on market access
to port services and financial transparency
of ports
(Text with EEA relevance)

Or. de

Justification

Should a majority of members of the Committee on Transport and a majority of MEPs regard new rules as necessary at this juncture, a regulation would not be the legislative instrument best suited to taking account of the wide range of circumstances in European maritime ports. A directive would be more suitable.

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

Amendment 93

Karim Zéribi

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The full integration of ports in seamless logistic and transport chains is needed to contribute to growth and a more efficient use and functioning of the trans-European transport network and the internal market. This requires modern port services contributing to an efficient use of ports and a climate favourable to investments to develop ports in line with current and future transport and logistics requirements.

Amendment

*(1) Modern port services **should help make ports more efficient and foster a climate conducive to the development of port investments** in line with current and future transport and logistics requirements **and a better interconnection with the trans-European rail networks. A financial framework for financial transparency should serve as a basis for increased cross-border cooperation and coordination between ports in terms of planning infrastructure and management capacities.***

Or. fr

Amendment 94

Sabine Wils

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Whereas: The full integration of ports in seamless logistic and transport chains is needed to contribute to growth and a more efficient use and functioning of the trans-European transport network **and the internal market**. This requires modern port services contributing to an efficient use of ports and a climate favourable to investments to develop ports in line with current and future transport and logistics requirements.

Amendment

(1) Whereas: The full integration of ports in seamless logistic and transport chains is needed to contribute to growth and a more efficient use and functioning of the trans-European transport network. This requires modern port services contributing to an efficient use of ports and a climate favourable to investments to develop ports in line with current and future transport and logistics requirements.

Social standards in European maritime ports will be maintained in full and will not be called into question by this Regulation. This Regulation will likewise not impose restrictions on the right to strike.

Or. de

Justification

The Commission states that ports currently employ 110 000 workers, who together keep European maritime ports running smoothly. The aim of Port Packages I and II was to water down social standards and undermine port employees' working conditions. The proposal under consideration here also contains provisions which would serve to restrict the right to strike, hence the need for the proposed addition to Recital 1.

Amendment 95
Philip Bradbourn

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) It is essential that the complexities of administrative procedures for customs clearance are dealt with given that these

are major obstacles to the competitiveness of short-sea shipping.

Or. en

Justification

As in the case of the 'concessions' Directive, reference should be made to this Protocol

Amendment 96
Georges Bach

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) In order to address the challenges facing the maritime transport sector, it is essential that the actions to improve the administrative and custom procedures in ports set out in the Commission's communication entitled 'Ports: an engine for growth' be implemented in tandem with this Regulation. The complexity of administrative procedures for customs clearance, resulting in delays in ports, represents a major obstacle to the competitiveness of short-sea shipping and the efficiency of Union ports.

Or. en

Amendment 97
Karim Zéribi

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Protocol No 26 on services of general interest, in particular Article 2 thereof,

provides that the provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest.

Or. fr

Justification

As in the case of the 'concessions' Directive, it seems desirable to refer to this Protocol.

Amendment 98
Karim Zéribi

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) The Commission should put forward a trans-European plan, in the context of the Motorways of the Sea, in order to be able to develop ports in border regions, in particular on the Mediterranean, Black Sea, Atlantic and Baltic Sea coasts, so as to ensure the provision of appropriate port services in terms of distance of flows of goods between the port of departure and port of arrival, thereby contributing to a reduction in pollution and noise pollution from transport by land.

Or. fr

Amendment 99
Georgios Koumoutsakos

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Ports can contribute to the long term competitiveness of European industries in world markets while adding value and jobs in all EU coastal regions. In order to address the challenges facing the maritime transport sector, such as the inefficiencies in the sustainable transport and logistics chain, it is essential that the actions set out in the Commission's communication entitled 'Ports: an engine for growth' be implemented in tandem with this Regulation. The complexity of administrative procedures for customs clearance, resulting in delays in ports, represents a major obstacle to the competitiveness of short-sea shipping and the efficiency of Union ports.

Or. en

Amendment 100
Inés Ayala Sender

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

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

competition.

Or. en

Amendment 101
Philip Bradbourn

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) While greater financial transparency is vital in publicly funded ports, there is a limit to the level of transparency necessary for privately funded ports given that they are already covered by EU competition rules.

Or. en

Amendment 102
Philip Bradbourn

Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1 c) Port managers should organise a dialogue with customers and therefore, there is no need for an independent supervisory body, which would risk being overly bureaucratic.

Or. en

Amendment 103
Sabine Wils

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) In the Communication on the Single Market Act II Together for new growth⁶, the Commission has recalled that the attractiveness of maritime transport is dependent on the availability efficiency and reliability of port services and the necessity of addressing questions regarding the transparency of public funding and port charges, administrative simplification efforts in ports ***and reviewing restrictions on the provision of services at ports.***

⁶ COM(2012) 573 final (3.10.2012)

Amendment

(2) In the Communication on the Single Market Act II Together for new growth⁶, the Commission has recalled that the attractiveness of maritime transport is dependent on the availability efficiency and reliability of port services and the necessity of addressing questions regarding the transparency of public funding and port charges, administrative simplification efforts in ports.

⁶ COM(2012) 573 final (3.10.2012)

Or. de

Amendment 104
Philip Bradbourn

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Facilitating access to the port services market at Union level and introducing the financial transparency and autonomy of seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.

Amendment

(3) Facilitating access to the port services market at Union level and introducing the financial transparency and autonomy of ***publicly funded*** seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.

Or. en

Amendment 105
Dominique Vlasto

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Facilitating access to the port services market at Union level and introducing the financial transparency and autonomy of seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.

Amendment

(3) Facilitating access to the port services market at Union level and introducing the financial transparency and autonomy of seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport. ***They will also allow the removal of persistent barriers to intra-Community maritime transport, which impede the creation of a genuine internal market for maritime transport.***

Or. fr

Justification

The objective of fostering the emergence of a genuine internal market for maritime transport faces a great many persistent barriers on intra-Community maritime routes. The lifting of these customs, administrative and technical barriers should be among the Commission's priority objectives, otherwise they will defeat its strategy.

Amendment 106
Luis de Grandes Pascual

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Facilitating access to the port services market at Union level and introducing the

Amendment

(3) Facilitating access to the port services market at Union level and introducing the

financial transparency *and autonomy* of seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.

financial transparency of seaports will improve the quality and efficiency of service provided to users of the port and contribute to a climate more favourable to investments in ports, and thereby help reduce costs for transport users and contribute to promoting short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.

Or. es

Amendment 107
Mara Bizzotto

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In the interests of greater financial transparency, guaranteed by establishing a closer correlation between the arrangements for securing funding and the types of costs generated, the managing body of the port 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 proceeds generated by the commercial activities carried out in the port and of standard port revenues. This provision would strengthen subsidiarity and reduce ports' dependence on government resources, which in some cases could be viewed as State aid.

Or. it

Amendment 108
Luis de Grandes Pascual

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The overwhelming majority of Union maritime traffic transits through the seaports of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other ports, this Regulation should apply to the ports of the trans-European transport network, each of which playing a significant role for the European transport system either because it handles more than 0.1% of the total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas, without prejudice, however, to the possibility of Member States deciding to apply this Regulation to other ports as well. *Pilotage services performed in the deep sea do not have a direct impact on the efficiency of the ports as they are not used for the direct entry and exit of the ports and therefore do not need to be included in this Regulation.*

Amendment

(4) The overwhelming majority of Union maritime traffic transits through the seaports of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other ports, this Regulation should apply to the ports of the trans-European transport network, each of which playing a significant role for the European transport system either because it handles more than 0.1% of the total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas, without prejudice, however, to the possibility of Member States deciding to apply this Regulation to other ports as well.

Or. es

Amendment 109

Philip Bradbourn, Jacqueline Foster

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The overwhelming majority of Union maritime traffic transits through the seaports of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other

Amendment

(4) The overwhelming majority of Union maritime traffic transits through the seaports of the trans-European transport network. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other

ports, this Regulation should apply to the **ports** of the trans-European transport network, each of which playing a significant role for the European transport system either because it handles more than 0.1% of the total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas, without prejudice, however, to the possibility of Member States deciding to apply this Regulation to other ports as well. Pilotage services performed in the deep sea do not have a direct impact on the efficiency of the ports as they are not used for the direct entry and exit of the ports and therefore do not need to be included in this Regulation.

ports, this Regulation should apply **only** to the **seaports** of the trans-European transport network, each of which playing a significant role for the European transport system either because it handles more than 0.1% of the total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas, without prejudice, however, to the possibility of Member States deciding to apply this Regulation to other ports as well. ***Its application should be limited, where appropriate, to those seaports in receipt of substantial public subsidy.*** Pilotage services performed in the deep sea do not have a direct impact on the efficiency of the ports as they are not used for the direct entry and exit of the ports and therefore do not need to be included in this Regulation.

Or. en

Justification

Where ports are competing in a free market without reliance on subsidy, competitive pressures are sufficient to ensure that intra-port services are procured efficiently and that charges to customers are set on a competitive commercial basis, subject to the safeguards of normal competition law.

Amendment 110 **Dominique Vlasto**

Proposal for a regulation **Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) The particular nature of the organisation and tasks performed by the managing bodies of ports and the extreme diversity of European ports render any standardisation initiative at Community level impossible and irrelevant. In this context, it is vitally important to recognise

the competence of Member States in determining how their ports are to be managed, taking due account of the specificities and characteristics of each port and the national legislation in force, without this creating an obstacle to compliance with the rules of the Treaty on the Functioning of the European Union in respect of competition and financial transparency.

Or. fr

Justification

Given the very many differences between the geographical situations and types of ports and national legislations, the choice of a regulation is questionable. We should recall the principle that the management of ports currently falls within the remit of Member States and should continue to do so in future. This is indispensable if local specificities are to be taken into account and should not be regarded as an obstacle to compliance with the Treaty rules on competition and transparency.

Amendment 111
Carlo Fidanza

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The services of pilotage, towage and mooring are an essential part of the measures ensuring a safe transit, manoeuvre and presence of the ships in ports, in the interests of the users of services, of the port community and of the entire local community. These services are better identified as technical-nautical services, having the common feature to guarantee professional human resources and adequate equipment at the disposal of the users at the best economic conditions. The competent authority should particularly guarantee the safe navigation and mooring of ships in port and a

defence in case of necessity and / or emergency.

Or. en

Amendment 112
Karim Zéribi

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Pilotage, mooring and towing services are technical nautical services which have public service characteristics such as the universality and continuity of service, regulation and supervision by the public authorities, and the satisfaction of public interest requirements, such as maritime safety and environmental protection. These characteristics justify the fact that some Member States have established a specific legal framework governing the providers of these services, and that they are excluded from the scope of Chapter II of this Directive;

Or. fr

Justification

The Directive should take into account the specific features of pilotage, towage and mooring services, in particular the fact that they are closely linked to maritime safety and security and environmental protection.

Amendment 113
Tanja Fajon

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) All of the providers of port services should always, in particular within the scope of this Regulation, act in public interest.

Or. en

Amendment 114
Ivo Belet, Marianne Thyssen

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In accordance with Protocol 26 to the Treaty on the Functioning of the European Union, this Regulation does not affect the competence of the Member States to organise the services covered by it as non-economic services of general interest.

Or. nl

Amendment 115
Karim Zéribi

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Mooring services have the characteristics of a public service, such as universality and continuity of service, regulation and supervision by the public authorities and the satisfaction of public interest requirements such as maritime safety and environmental protection. These characteristics were recognised for

mooring services by the Court of Justice of the EU in its judgment of 18 June 1998 Corsica Ferries France (C-266/96);

Or. fr

Justification

The Directive should take into account the specific features of mooring services, in particular their public service characteristics already recognised by the Court of Justice of the European Union.

Amendment 116

Ivo Belet, Marianne Thyssen

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) This Regulation does not affect the various port management models in the Member States, as long as they respect the rules on market access and financial transparency, and applies irrespective of the division of powers between the government and port management bodies in the Member States.

Or. nl

Amendment 117

Carlo Fidanza

Proposal for a regulation

Recital 5 c (new)

Text proposed by the Commission

Amendment

(5 c) Because of the link between technical-nautical services and maritime safety, security and environmental protection, national legislation of Member States may provide a regulatory

framework to direct and control the related service providers, coordinating their activity and adopting specific rules about the transparent and non-discriminatory access to the profession, the organisation and how to offer such services;

Or. en

Amendment 118
Philippe De Backer

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 119
Corien Wortmann-Kool

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 120
Dominique Vlasto

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The self-provision of service which entails shipping companies or providers of port services to employ staff of their own choice and to provide themselves port services is regulated in a number of Member States for safety or social reasons. The stakeholders consulted by the Commission when preparing its proposal highlighted that imposing a generalised

Amendment

(6) The self-provision of service which entails shipping companies or providers of port services to employ staff of their own choice and to provide themselves port services is regulated in a number of Member States for safety or social reasons. The stakeholders consulted by the Commission when preparing its proposal highlighted that imposing a generalised

allowance of the self-provision of service at Union level would require additional rules on safety and social issues in order to avoid **possible** negative impacts in these areas. It appears therefore appropriate at this stage not to regulate this issue at Union level and to **leave it to the** Member States **to regulate** the self-provision of port services or not. Therefore, this Regulation should only cover the provision of port services for remuneration.

allowance of the self-provision of service at Union level would require additional rules on safety and social issues in order to avoid **any** negative impacts in these areas. It appears therefore appropriate at this stage not to regulate this issue at Union level and to **reaffirm the competence and the responsibility of** Member States **to examine the advisability of regulating** the self-provision of port services or not. Therefore, this Regulation should only cover the provision of port services for remuneration.

Or. fr

Justification

Clarification

Amendment 121

Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In accordance with Protocol 26 to the Treaty on the Functioning of the European Union, the provisions of this Regulation in no way affect the competence of the Member States to provide or organise the services covered by it as non-economic services of general interest. Consequently, the Member States and competent authorities retain the power to organize these activities and services on economic or non-economic lines.

Or. nl

Justification

See the agreement reached in the trilogue on the award of concession contracts (quote): “This Directive recognises and reaffirms the right of Member States and public authorities to decide the means of administration they judge to be most appropriate for performing works and providing services. In particular, this Directive should not in any way affect the freedom of Member States and public authorities to perform works or provide services directly to the public (or) to outsource such provision by delegating it to third parties. Member States or public authorities should remain free to define and specify the characteristics of the services to be provided, including any conditions regarding the quality or price of the services, in accordance with Union law, in order to pursue their public policy objectives. It should be recalled that Member States are free to decide, in compliance with the Treaty principles of equal treatment, non-discrimination, transparency and the free movement of persons to organize the provision of services either as services of general economic interest or as non-economic services of general interest or as a mixture thereof. It should equally be recalled that this Directive is without prejudice to the freedom of national, regional and local authorities to define, in conformity with Union law, services of general economic interest, their scope and the characteristics of the service to be provided, including any conditions regarding the quality of the service, in order to pursue its public policy objectives. It should also be without prejudice to the power of national, regional and local authorities to provide, commission and finance services of general economic interest in accordance with Article 14 TFEU and Protocol No 26 annexed to the Treaties. [...] It is appropriate to clarify that non-economic services of general interest should not fall within the scope of this Directive.”

Amendment 122

Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) This Regulation does not impose a specific port management model assigning a specific status, role or mission to the port management body. Provided that rules relating to market access and transparency are respected, existing port management models established at national level in the Member States may be retained, including arrangements under which port management rights and responsibilities are delegated to (other) authorities responsible for safeguarding public interests in this respect.

Justification

The Regulation must be neutral with respect to different management models, whether publicly or privately organized, centralized or decentralized or with more or fewer delegated powers. In certain Member States, detailed regulatory framework provisions are embodied in specific national or regional legislation. This relates to not only management bodies acting as (purely) commercial operators but also port management focused on the general interest and added value for a wider region.

Amendment 123**Kathleen Van Brempt, Saïd El Khadraoui****Proposal for a regulation****Recital 6 c (new)***Text proposed by the Commission**Amendment*

(6c) Under certain port management models, the port management bodies are assigned (specific) rights and responsibilities as the competent authority. The Regulation applies regardless of whether the competent authority is the Member State itself or a port management body authorized to act in this capacity.

Justification

In Article 8(3) of the Proposal for a regulation, the European Commission acknowledges the possibility that the competent authority (referred to in various sections of the text) may be a port management body, while other articles create confusion in this respect. This is the reason for an explicit clarification in the preamble.

Amendment 124**Carlo Fidanza****Proposal for a regulation****Recital 7**

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be clearly defined **concerning inter alia** the professional qualifications of the operators, including in terms of training, **the equipment required, the availability of the service, the compliance of the requirements regarding maritime safety or regarding security and safety of the port or one of its accesses, its facilities, its equipment, its personnel, as well as the respect of environmental requirements**, insofar as these requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

Or. en

Amendment 125

Karim Zéribi

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to **impose on** port service providers minimum requirements to perform the service in an appropriate way. These minimum requirements should **include, inter alia**, the professional qualifications of the operators, including in terms of training, **as well as respect for the collective agreements and national social**

equipment required insofar as these requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

standards applicable to the service concerned, the necessary equipment, respect for the requirements as regards maritime safety, port security and environmental requirements.

Or. fr

Amendment 126
Sabine Wils

Proposal for a regulation
Recital 7

Text proposed by the Commission

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

Amendment

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

Service providers should work in a manner consistent with all safety provisions, environmental protection

requirements and labour and wage agreements and rules.

Or. de

Justification

According to the Commission, 110 000 workers are employed in European maritime ports. The real figure is probably even higher. It is essential that the managing body of the port should monitor compliance with social standards and enforce safety and environmental protection requirements.

Amendment 127
Brian Simpson

Proposal for a regulation
Recital 7

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe, **environmentally and socially** sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, **the equipment needed in order to provide the relevant port service, the compliance with maritime safety and security of the port, the respect of local, national, Union and international environmental requirements, and the good reputation** of the port service provider **concerning the application of social standards protecting employees' health and safety and respecting their labour rights.**

Or. en

Justification

Alongside professional qualifications, equipment, maritime safety and environmental concerns, the good reputation concerning respect of social standards should also play a role when choosing the service providers.

Amendment 128

Georges Bach

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe, ***environmentally and socially*** sound port management, the managing body of the port should be able to require that port service providers, ***including subcontractors,*** can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, and the equipment required, ***compliance with maritime safety requirements, respect of environmental requirements, the respect of the provider regarding social and labour rights, including the application of laws and agreements to protect health and safety of employees.***

Or. en

Amendment 129

Jutta Steinruck

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe, **environmentally and socially** sound port management, the managing body of the port should be able to require that port service providers, **including subcontractors**, can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, **the equipment needed in order to provide the relevant port service, compliance with maritime safety requirements, respect of environmental requirements, the good repute of the provider regarding the respect of social and labour rights, including the application of laws and agreements to protect health and safety, and** for the **protection** of the **employees**.

Or. en

Amendment 130

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the port service providers **have to guarantee** that they meet minimum requirements to perform the **services** in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, **the equipment needed in order to provide**

including in terms of training, and the equipment required insofar as these requirements are transparent, non-discriminatory, objective and relevant for the provision of the port service.

the relevant port service and compliance with maritime safety requirements. These conditions should take into account environmental requirements as well as national social standards.

These minimum requirements, which include environmental and social standards, should be decided at national level and verified in each port by the relative managing body.

Or. en

Justification

Maritime safety and environmental issues cannot be taken as justification to the organisation of the port services themselves. Safety and environmental rules have to be guaranteed regardless of the organisation of the port services. All the services minimum requirements have to be defined at national level to avoid different or unfair applications.

Amendment 131 **Dominique Vlasto**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

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

Amendment

(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port should be able to require that port service providers can demonstrate that they meet minimum requirements to perform the service in an appropriate way. These minimum requirements should be limited to a clearly defined set of conditions concerning the professional qualifications of the operators, including in terms of training, and the equipment required *to provide quality port services in a continuous manner, and ensure respect for the requirements in terms of maritime safety and security. These conditions should also take account environmental requirements, as well as*

national social standards.

Or. fr

Justification

Compliance with the minimum requirements is not something optional or secondary, but should rather be a prerequisite for the provision of port services. Ensuring the continuity and quality of port services completes the rapporteur's amendment.

Amendment 132

Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 133

Giommaria Uggias

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) Since ports are constituted of limited geographical areas, access to the market could, in certain cases, be subject to limitations relating to the scarcity of land or in case the land is reserved for certain

(10) Since ports are constituted of limited geographical areas, access to the market could, in certain cases, be subject to limitations relating to the ***economic capacity of the market itself to supply***

type of activities in accordance with a formal development plan which plans in a transparent way the land use and with relevant national legislation such as those related to **town and country** planning objectives.

operators or to the scarcity of land or in case the land is reserved for certain type of activities in accordance with a formal development plan which plans in a transparent way the land use and with relevant national legislation such as those related to **national, regional and local** planning objectives.

Or. it

Amendment 134
Georgios Koumoutsakos

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) Due to the significant variations in the size of ports, the economic capacity and the amount of space available for operations on the water also need to be taken into account when limiting the number of providers of port services. Moreover, it should be possible to limit access to the market so as to ensure safe, secure or environmentally sustainable port operations.

Or. en

Amendment 135
Philip Bradbourn

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) In order to be open and transparent, the procedure to select the providers of port services and its result should be made public and full documentation should be

(12) In order to be open and transparent **at publicly funded ports**, the procedure to select the providers of port services and its result should be made public and full

communicated to interested parties.

documentation should be communicated to interested parties.

Or. en

Amendment 136

Sabine Wils

Proposal for a regulation

Recital 13

Text proposed by the Commission

Amendment

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

deleted

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

Or. de

Justification

Recital 13 includes a reference 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 137

Corien Wortmann-Kool

Proposal for a regulation

Recital 13

Text proposed by the Commission

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

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

Amendment

(13) The procedure for **selecting** providers of port **services where** the number of those providers is limited should **be open to all interested parties and should be transparent and non-discriminatory.**

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

Or. en

Amendment 138
Karim Zéribi

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) **The recourse to** public service obligations **leading to** a limitation in the number of providers of a port service **should only be justified** for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users.

Amendment

(14) **Member States should be able to impose** public service obligations **justifying** a limitation in the number of providers of a port service for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users, **maritime security and safety and protection of the environment.**

Or. fr

Justification

It is imperative that Member States should be able to impose public service obligations, including in the field of and maritime safety and security and environmental protection. These may justify limiting the number of providers.

Amendment 139

Sabine Wils

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service should **only** be justified for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users.

Amendment

(14) The recourse to public service obligations leading to a limitation in the number of providers of a port service should be justified for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users, **through the provision of safe, environmentally and socially sound and sustainable port services.**

Or. de

Justification

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

Amendment 140

Carlo Fidanza, Antonio Cancian

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

(14) **Member states shall be authorised to impose** public service obligations **which may justify** a limitation in the number of

should only be justified for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users.

providers of a port service for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long or the affordability of the port service to certain category of users, ***the maritime security and safety, and to protect environment.***

Or. en

Amendment 141
Dominique Vlasto, Dominique Riquet

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) ***The recourse to*** public service obligations ***leading to a limitation in*** the number of providers of a port service ***should only be justified*** for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long ***or*** the affordability of the port service to certain category of users.

Amendment

(14) ***Member States should be able to impose*** public service obligations ***with regard to port services in order to limit*** the number of providers of a port service for reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long ***and in the entire port area,*** the affordability of the port service to certain category of users, ***maritime safety and security and the environmental sustainability of port operations.***

Or. fr

Amendment 142
Francesca Barracciu, Franco Frigo

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) This Regulation does not preclude the possibility of competent authorities to grant

Amendment

(16) This Regulation does not preclude the possibility of competent authorities to grant

compensation for the accomplishment of the public service obligations provided that it complies with the applicable State aid rules. Where public service obligations qualify as SGEI compliance should be ensured with Commission Decision of 20 November 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest⁸, Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest⁹ and the European Union framework for State aid in the form of public service compensation¹⁰.

compensation for the accomplishment of the public service obligations provided that it complies with the applicable State aid rules. ***Those rules should be applied in such a way as to take account of specific needs of some ports, for example those located on islands, and the economic problems linked to severely inadequate facilities.*** Where public service obligations qualify as SGEI compliance should be ensured with Commission Decision of 20 November 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest and the European Union framework for State aid in the form of public service compensation.

⁸ OJ L 7, 11.1.2012, p. 3.

⁹ OJ L 114, 26.4.2012, p. 8.

¹⁰ OJ C 8, 11.01.2012.

⁸ OJ L 7, 11.01.12, p. 3.

⁹ OJ L 114, 26.4.2012, p. 8.

¹⁰ OJ C 8, 11.01.2012.

Or. it

Justification

Given that the aim of this regulation is to modernise the port network, it must be borne in mind that many ports have inadequate facilities. In many cases market forces are powerless to remedy these shortcomings, making State support essential.

Amendment 143
Karim Zérubi

Proposal for a regulation

Recital 17

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

This amendment does not concern the English version.

Amendment 144

Philip Bradbourn

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

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

Moreover, in such cases, the port service charges applied by such an operator should be subject to *supervision by the independent supervisory body*.

Moreover, in such cases, the port service charges applied by such an operator should be subject to independent *supervision*.

Or. en

Amendment 145
Georgios Koumoutsakos, Dieter-Lebrecht Koch

Proposal for a regulation
Recital 18

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 146
David-Maria Sassoli, Franco Frigo

Proposal for a regulation
Recital 18

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The managing body should be the competent authority within a port.

Amendment 147
Slawomir Nitras, Artur Zasada

Proposal for a regulation
Recital 18

Text proposed by the Commission

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

Amendment

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

Or. pl

Amendment 148
Georgios Koumoutsakos, Dieter-Lebrecht Koch

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Pilotage services have an important role to ensure maritime safety and contribute to the protection of the environment. Providers of pilotage services should keep a degree of independence from the port users when taking decisions affecting safety and environment. In this context, imposing

limitations on the number of providers of pilotage services and the provision of these services by internal operators can be justified on the grounds of public service obligations.

Or. en

Amendment 149
Brian Simpson

Proposal for a regulation
Recital 19

Text proposed by the Commission

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

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States ***and shall respect Article 28 of the Charter of Fundamental Rights of the European Union giving workers the right of collective bargaining and action.*** In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, ***the managing bodies of the port shall require*** the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Justification

It should be an obligation for the managing body of the port to require the application of the Directive 2001/23/EC. Moreover, the right to take collective action should be respected.

Amendment 150 **Philippe De Backer**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

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

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation shall not affect the application of the social and labour rules of the Member States, ***provided that these rules are in line with the EU Treaty rules***. In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, it should be possible for the competent authorities to ask the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 151 **Georges Bach**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

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

¹¹ OJ L 82, 22.3.2001, p. 16.

Amendment

(19) Member States should retain the **full** power to ensure an adequate level of social protection for the staff of undertaking providing port services. This Regulation **should** not affect the application of the social and labour rules of the Member States. **This Regulation should respect Article 28 of the Charter of Fundamental Rights of the European Union.** In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, **the Member State should require** the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 152
Dominique Vlasto

Proposal for a regulation
Recital 19

Text proposed by the Commission

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

Amendment

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

a port service contract may entail a change of port service operator, it should be possible for the competent authorities to **ask** the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.03.01, p. 16.

a port service contract may entail a change of port service operator, it should be possible for the competent authorities to **require** the chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.03.01, p. 16.

Or. fr

Justification

In accordance with the rapporteur's Amendment 53, it is essential to specify that compliance by the new port service operator with Directive 2001/23/EC is an obligation and not merely a possibility.

Amendment 153 **Sabine Wils**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

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

Amendment

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

laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.03.01, p. 16.

2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.03.01, p. 16.

Or. de

Justification

The wordings chosen by the Commission are too vague.

Amendment 154

Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt

Proposal for a regulation

Recital 19

Text proposed by the Commission

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

Amendment

(19) Member States should retain the power to ensure an adequate level of social protection for the staff of ***undertakings*** providing port services. This Regulation ***should*** not affect the application of the social and labour rules of the Member States ***and it should fully respect Article 28 of the Charter of Fundamental Rights of the European Union.*** In cases of limitation of the number of port service providers, where the conclusion of a port service contract may entail a change of port service operator, the competent authorities ***should require the*** chosen service operator to apply the provisions of Council Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses¹¹.

¹¹ OJ L 82, 22.3.2001, p. 16.

¹¹ OJ L 82, 22.3.2001, p. 16.

Or. en

Amendment 155
Kathleen Van Brempt

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive .../...[concessions]. Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services, but Member States should remain free to decide to apply nevertheless the rules of this Chapter to these two services. For other types of contracts used by public authorities for granting market access to cargo handling and terminal passenger services, the Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding these contracts. These principles are fully applicable as regards the provision of any port service.

deleted

Or. nl

Justification

This recital is based on the assumption that the concession contracts are covered by the Concessions Directive, which is not in fact the case.

Amendment 156
Knut Fleckenstein, Saïd El Khadraoui

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive[concessions]. Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services, **but Member States should remain free to decide to apply nevertheless the rules of this Chapter to these two services**. For other types of contracts used by public authorities for granting market access to cargo handling and terminal passenger services, the Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding these contracts. These principles are fully applicable as regards the provision of any port service.

Amendment

(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive[concessions]. Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services. For other types of contracts used by public authorities for granting market access to cargo handling and terminal passenger services, the Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding these contracts. These principles are fully applicable as regards the provision of any port service.

Or. en

Amendment 157
Sabine Wils

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) **In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public concession contracts. This type of contracts will be covered by the Directive**

Amendment

(20) **Dredging, port reception facilities, mooring and towage and pilotage will be excluded from the scope of this Regulation.**

.../...[concessions]. Consequently, Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services, but Member States should remain free to decide to apply nevertheless the rules of this Chapter to these two services. For other types of contracts used by public authorities for granting market access to cargo handling and terminal passenger services, the Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding these contracts. These principles are fully applicable as regards the provision of any port service.

Or. de

Justification

A reference to the Concessions Directive is unacceptable, since the latter has not yet been adopted and details of its substance are not yet known. Cargo-handling and passenger services fall outside the scope of the proposal for a regulation. Article 1 wrongly incorporates provisions on dredging, port reception facilities and pilotage. As the German Bundesrat has already stated, these provisions have no place in this regulation and should be deleted.

Amendment 158
Brian Simpson

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) Pilotage, towing and mooring provide essential, unique and specialised 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 exempted from the market

access provisions laid down in Chapter II of this Regulation.

Or. en

Amendment 159
Spyros Danellis

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) Pilotage services are in most cases provided by a single provider for reasons of effectiveness and safety. However, provisions must be made so that this port service is awarded also with transparency and cost-efficiency in mind. Member States could choose to use a derogation of two years in order to prepare the safety and procurement mechanisms for this important service.

Or. en

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 160
Dominique Vlasto

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The specific nature of the technical-nautical services of pilotage, towage and mooring and their interdependence with

the sound organisation and viability of all port operations justify the exemption of these services, which perform public service tasks, from the market access provisions of Chapter II of this Regulation. The need to ensure the maritime security and safety of persons and port facilities, and environmental protection means that the Member State or the managing body of the port should be authorised to grant exclusive rights to providers of pilotage, towage and mooring services, which are subject to the requirement to ensure the continuity of these services under all circumstances, throughout the port area, regardless of the type of vessel.

Or. fr

Justification

By virtue of their nature and their link to safety and environmental protection, the full range of port operations and services performed between the takeover of the vessel by the pilot until berthing, cannot be subjected to a trade policy that fails to take account of the fact that the providers concerned are performing a public service task.

Amendment 161
Inés Ayala Sender

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The Connecting Europe Facility provides that ports in the Trans-European Transport Network may benefit from EU subsidies during the forthcoming 2014-2020 period. Furthermore, the Commission intends to set up a revised framework on state aid to ports and given that the new Directive on Concessions establishes likewise a new legislative framework which will also affect port

services provided under a concession agreement, strict rules on the transparency of financial flows need to be introduced in this Regulation to prevent unfair competition between ports in the Union or dumping.

Or. es

Amendment 162
Giommara Uggias

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) It is necessary to impose on the managing body of the port which receives public funds, when it is also acting as a service provider, an obligation to keep separate accounts for activities *carried out* in their capacity as managing body of the port from those carried out on a competitive basis in order to ensure a level playing field, transparency in the allocation and use of public funds and to avoid market distortions. In any case compliance with the State aid rules should be ensured.

Amendment

(22) It is necessary to impose on the managing body of the port which receives public funds, when it is also acting as a service provider, an obligation to keep separate accounts for *publicly-funded* activities in their capacity as managing body of the port from those carried out on a competitive basis in order to ensure a level playing field, transparency in the allocation and use of public funds and to avoid market distortions. In any case compliance with the State aid rules should be ensured.

Or. it

Amendment 163
Dominique Vlasto

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Commission should clarify the concept of State aid with regard to the financing of port infrastructures, taking into account the non-commercial nature

of public access and defence infrastructures, in particular rail and road access infrastructures and their connections to the national transport system, the infrastructure necessary for public services in port areas, berths, and any infrastructure allowing access to a port area, including access by sea, inland waterways and defences. These types of infrastructure should be accessible to all potential users on an equal footing and without discrimination. It should be solely the responsibility of the State in question to meet the general needs of the population.

Or. fr

Justification

In order to complete the rapporteur's amendment, berths should be added to the list of relevant infrastructures, since they form a significant proportion of port infrastructure.

Amendment 164
Philippe De Backer

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Due to the lack of clear State aid guidelines for ports, the port sector suffers from legal uncertainty as they now depend on a case by case approach. In order to create more transparency, the Commission should, after consulting all stakeholders including Member States and port authorities, come forward with clear guidelines on State aid to ports.

Or. en

Amendment 165
Georgios Koumoutsakos

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) The Commission should clarify the notion of State aid with regard to the financing of port infrastructure, taking into consideration the non-commercial nature of public access and defence infrastructure.

Or. en

Amendment 166
Knut Fleckenstein

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) The Commission should clarify the notion of State aid with regard to the financing of port infrastructure taking into consideration that the operation of a port falls within the State's responsibility to meet general needs of the population, due to the important role ports play in the European economy. They should therefore be exempt from the State aid regime as far as they fulfil public functions and be covered by a regime such as SGEI or rules on infrastructure costs similar to the Regulation No 1370/2007 in all non-commercial operations, such as maintenance of access and defence infrastructure that is accessible to all potential users on equal and non-discriminatory terms.

Or. en

Amendment 167
Philip Bradbourn, Jacqueline Foster

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) The Commission should, as soon as possible, clarify the rules for State Aid with regard to the financing of port development, in accordance with the principles applied in the Leipzig-Halle airport decision.

Or. en

Justification

State Aid is widely provided to ports across Europe with little consistency of principle. This results in inefficient allocation, competitive distortion between neighbouring States, and waste of public money.

Amendment 168
Kathleen Van Brempt

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Commission must clarify the term ' State aid ' with regard to port infrastructure funding, taking into account the non-commercial nature of public access and defence infrastructures. This includes overland rail or road infrastructures providing access to the national transport system, infrastructures necessary for port facilities and all facilities necessary for port access,

including access by sea, navigable canals and defence works. Such infrastructures must be accessible under equal and non-discriminatory terms to all potential users and it is the responsibility of the competent authority to ensure that the needs of the general public are met in this connection. The Commission must also take into account the precise role, status and mission of the port management body receiving and/or allocating aid, reflecting existing differences between the management models referred to in recital 6b (new).

Or. nl

Justification

This is in line with rapporteur Knut Fleckenstein's position that port policy cannot be considered without taking account of state aid arrangements for port infrastructures that are being developed or implemented. This amendment seeks to gain recognition for legally adopted, well-motivated and transparent funding models already existing at national level.

Amendment 169
Corien Wortmann-Kool

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) The Commission should clarify the notion of the State aid with regard to the financing of port infrastructure, taking into consideration the non-commercial nature of public access and defence infrastructure to all potential users on non-discriminatory terms and that it falls within the public responsibility to meet the general needs of the population.

Or. en

Justification

To create a level playing field among ports, clear rules on State aid are essential. The Commission is currently modernising the State aid guidelines and should take the specific features of port infrastructure into account. This regulation will not preclude on the details of such rules.

Amendment 170

Francesca Barracciu, Franco Frigo

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The rules on State aid should, however, make provision for derogations for aid intended to fund the construction of facilities in ports situated on islands. Due account should be taken of the importance of ports for island regions and the rules on State aid should be reviewed in the light of the economic problems facing those regions, which are already at a disadvantage on account of their location.

Or. it

Justification

Given that the aim of this regulation is to modernise the port network, it must be borne in mind that many ports have inadequate facilities. In many cases market forces are powerless to remedy these shortcomings, making State support essential. Islands in particular are heavily dependent on their maritime links, and many of them face long-standing economic problems.

Amendment 171

Bogusław Liberadzki

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services **which** are not **designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The same is true for charges levied by internal operators in the meaning of this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are** set in a transparent and non-discriminatory way.

Amendment

(23) Port service charges applied by providers of port services **that** are not **exposed to effective competition within** the meaning of **Articles 9(1) and 6(1) should not be disproportionate to the economic value of the services provided and should be** set in a transparent and non-discriminatory way.

Or. en

Amendment 172
Giommaria Uggias

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services which are not designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The same is true for charges levied by internal operators in the meaning of this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy **reflect the normal conditions of the relevant market**

Amendment

(23) Port service charges applied by providers of port services which are not designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The same is true for charges levied by internal operators in the meaning of this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy **are itemised, are commensurate with the**

and are set in a transparent and non-discriminatory way.

relevant costs and are set in a transparent and non-discriminatory way.

Or. it

Amendment 173
Philip Bradbourn

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services *which* are not *designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The same is true for charges levied by internal operators in* the meaning of *this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are* set in a transparent and non-discriminatory way.

Amendment

(23) Port service charges applied by providers of port services *that* are not *exposed to effective competition within* the meaning of *Articles 9(1) and 6(1) should not be disproportionate to the economic value of the services provided and should be* set in a transparent and non-discriminatory way.

Or. en

Amendment 174
Philippe De Backer

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services which are not designated in accordance with an open,

Amendment

(23) Port service charges applied by providers of port services which are not designated in accordance with an open,

transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The ***same is true for*** charges ***levied by internal operators in the meaning of this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are set*** in a transparent and non-discriminatory way.

transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The charges ***set by providers of port services which are not exposed to effective competition within the meaning of Article 9 (1) and 6(1), should not be disproportionate to the economic value of the services provided and should be set*** in a transparent and non-discriminatory way.

Or. en

Amendment 175 **Philip Bradbourn**

Proposal for a regulation **Recital 23**

Text proposed by the Commission

(23) Port service charges applied by providers of port services which are not designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse ***given their*** monopolistic or oligopolistic situation and the fact that their market cannot be contested. ***The same is true for charges levied by internal operators in the meaning of this Regulation.*** For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are set in a transparent and non-discriminatory way.

Amendment

(23) Port service charges applied by providers of port services which are not designated in accordance with an open, transparent and non-discriminatory procedure ***or by internal operators, which are wholly or mainly publicly funded,*** entail a higher risk of price abuse ***where there is a*** monopolistic or oligopolistic situation and the fact that their market cannot be contested. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are set in a transparent and non-discriminatory way.

Or. en

Amendment 176
Knut Fleckenstein

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services which are not designated in accordance with an open, transparent and non-discriminatory procedure ***entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested.*** The same is true for charges levied by internal operators in the meaning of ***this Regulation.*** For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges ***they levy reflect the normal conditions of the relevant market*** and are set in a transparent and non-discriminatory way.

Amendment

(23) Port service charges applied by providers of port services ***in accordance with point (b) of Article 6(1),*** which are not designated in accordance with an open, transparent and non-discriminatory procedure ***and the charges applied by providers of pilotage services, which are not exposed to effective competition entail a higher risk of price abuse.*** The same is true for charges levied by internal operators ***within*** in the meaning of ***Article 9(1).*** For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges ***levied are not disproportionate to the economic value of the services provided*** and are set in a transparent and non-discriminatory way.

Or. en

Amendment 177
Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Port service charges applied by providers of port services ***which are not designated in accordance with an open, transparent and non-discriminatory procedure entail a higher risk of price abuse given their monopolistic or oligopolistic situation and the fact that their market cannot be contested. The same is true for charges levied by internal***

Amendment

(23) ***For*** port service charges applied by providers of port services arrangements should be established to ensure that the charges they levy ***are proportional to the economic value of the service provided*** and are set in a transparent and non-discriminatory way.

operators in the meaning of this Regulation. For those services, in the absence of fair market mechanisms, arrangements should be established to ensure that the charges they levy reflect the normal conditions of the relevant market and are set in a transparent and non-discriminatory way.

Or. nl

Justification

The Commission's assumption in this recital that free market prices are, by definition, fairer than regulated market prices is not necessarily true, since unfair pricing is possible in the free market also.

Amendment 178
Philip Bradbourn

Proposal for a regulation
Recital 24

Text proposed by the Commission

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

Amendment

(24) In order to be efficient, the port infrastructure charges of *ports* should be set *by the managing body of the port in an* autonomous way in accordance with that port's own commercial and investment strategy. *Where the managing body of the port is wholly or mainly publicly funded such charges shall be set in a transparent way.*

Or. en

Amendment 179
Phil Bennion

Proposal for a regulation
Recital 24

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 180
Luis de Grandes Pascual

Proposal for a regulation
Recital 24

Text proposed by the Commission

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

Amendment

(24) The port infrastructure charges of each individual port should be set in a transparent ***way guaranteeing a certain degree of autonomy*** in accordance with that port's own commercial and investment strategy.

Or. en

Amendment 181
Philippe De Backer

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) The ***variation of*** port infrastructure charges ***should be allowed*** in order to promote short sea shipping and to attract waterborne vessels having an environmental performance or energy and carbon efficiency of the transport

Amendment

(25) The ***managing body of the port can vary the*** port infrastructure charges ***as a part of its commercial strategy. Port infrastructure charges may vary*** in order to, ***for example***, promote short sea shipping and to attract waterborne vessels

operations, notably the off-shore or on-shore maritime transport operations, that is better than average. This *should* help to contribute to the environmental and climate change policies and the sustainable development of the port and its surroundings notably by contributing to reducing the environmental footprint of the waterborne vessels calling and staying in the port.

having an environmental performance or energy and carbon efficiency of the transport operations, notably the off-shore or on-shore maritime transport operations, that is better than average. This *could* help to contribute to the environmental and climate change policies and the sustainable development of the port and its surroundings notably by contributing to reducing the environmental footprint of the waterborne vessels calling and staying in the port.

Or. en

Amendment 182
Philip Bradbourn

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) *Adequate facilities should be in place to ensure that the* users of *the* ports which are requested to pay *a* port infrastructure charge and/or a port service charge *are* regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, its performance and its capacity to attract and generate economic activities such as the coordination of port services within the port area and the efficiency of the connections with the hinterland and of the administrative procedures in ports.

Amendment

(26) Users of *publicly funded* ports which are requested to pay *the* port infrastructure charge and/or a port service charge *should be* regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, its performance and its capacity to attract and generate economic activities such as the coordination of *the* port services within the port area and the efficiency of the connections with the hinterland and of the administrative procedures in ports.

Or. en

Amendment 183
Philippe De Backer

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) ***Adequate facilities*** should be ***in place to ensure*** that the users of the ports which are requested to pay a port infrastructure charge and/or a port service charge are regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, its performance and its capacity to attract and generate economic activities such as the coordination of port services within the port area and the efficiency of the connections with the hinterland and of the administrative procedures in ports.

Amendment

(26) ***It*** should be ***ensured*** that the users of the ports which are requested to pay a port infrastructure charge and/or a port service charge are regularly consulted when the port infrastructure charge and the port service charge are defined and changed. The managing bodies of the ports should also regularly consult other stakeholders on key issues related to the sound development of the port, its performance and its capacity to attract and generate economic activities such as the coordination of port services within the port area and the efficiency of the connections with the hinterland and of the administrative procedures in ports.

Or. en

Amendment 184
Sabine Wils

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) ***In order to ensure the proper and effective application of this Regulation, an independent supervisory body, which could be an already existing body, should be designated in every Member State.***

Amendment

deleted

Or. de

Justification

This new supervisory body is completely superfluous and will only generate additional red tape, costs and administrative formalities.

Amendment 185
Slawomir Nitras, Artur Zasada

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure the proper and effective application of this Regulation, an independent supervisory body, which could be an already existing body, should be designated in every Member State.

Amendment

deleted

Or. pl

Amendment 186
Georgios Koumoutsakos

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure the proper and effective application of this Regulation, an independent supervisory body, which could be an already existing body, should be designated in every Member State.

Amendment

(27) In order to ensure that an independent complaints mechanism is in place, one or more bodies providing independent supervision should be designated in every Member State. Already existing bodies, such as competition authorities, courts, ministries or departments within ministries not linked to the managing body of the port could be designated for this purpose.

Or. en

Amendment 187
Silvia-Adriana Țicău

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) In order to ensure the proper and effective application of this Regulation, an independent supervisory body, which could be an already existing body, ***should be designated in every Member State.***

(27) In order to ensure the proper and effective application of this Regulation, ***every Member State should designate*** an independent supervisory body, which could be an already existing body.

Or. ro

Amendment 188
Philip Bradbourn

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 189
Sabine Wils

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. de

Justification

This new supervisory body is completely superfluous and will only generate additional red tape, costs and administrative formalities.

Amendment 190

Slawomir Nitras, Artur Zasada

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. pl

Amendment 191

Karim Zéribi

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 192

Georgios Koumoutsakos

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

(28) The different ***bodies providing independent supervision*** should ***cooperate with each other and*** exchange information on their work ***in cases concerning cross-border disputes and complaints.***

Or. en

Amendment 193

Corien Wortmann-Kool

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) In order to supplement and amend certain non-essential elements of this Regulation and in particular to promote the uniform application of environmental charging, reinforce the Union-wide coherence of environmental charging and to ensure common charging principles in relation to the promotion of short sea shipping, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels, fuels and types of operations according to which to vary the infrastructure charges and common charging principles for port infrastructure charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

deleted

Amendment 194
Karim Zéribi

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to **supplement and amend** certain **non-essential** elements of this **Regulation and in particular to promote the uniform application** of environmental charging, reinforce the Union-wide coherence of environmental charging and to ensure common charging principles in relation to the promotion of short sea shipping, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels, fuels **and types of operations according to which to vary the infrastructure charges and common charging principles for port infrastructure charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.** The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(29) In order to **strengthen** certain elements of this **Directive in terms of** environmental charging, reinforce the Union-wide coherence of environmental charging and to ensure common charging principles in relation to the promotion of short sea shipping, **and, more broadly, the Motorways of the Sea, as provided for within the framework of the rules on the Trans-European Transport Networks,** the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels **and fuels. When adopting such delegated acts, the Commission shall take into account the Environmental Ship Index as well as progress made by the World Ports Climate Initiative (WPCI). These classifications should serve as a basis for variations in infrastructure charges without calling into question the competence of the relevant port authorities in terms of setting port infrastructure charges.** The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Or. fr

Amendment 195
Georgios Koumoutsakos

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to *supplement and amend certain non-essential elements of this Regulation and in particular to promote the uniform application of environmental charging*, reinforce the Union-wide coherence of environmental charging *and to ensure common charging principles in relation to the promotion of short sea shipping*, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels, *fuels and types of operations according to which to vary the infrastructure charges and common charging principles for port infrastructure charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.* The Commission, when preparing and *drawing-up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(29) In order to reinforce the Union-wide coherence of environmental charging, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common *international* classifications of vessels *and fuels*. The Commission, when preparing and *drawing up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and *to the* Council.

Or. en

Amendment 196
Dieter-Lebrecht Koch

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to **supplement and amend certain non-essential elements of this Regulation and in particular to promote the uniform application of environmental charging**, reinforce the Union-wide coherence of environmental charging **and to ensure common charging principles in relation to the promotion of short sea shipping**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels, fuels **and types of operations according to which to vary the infrastructure charges** and common charging **principles for port infrastructure charges**. **It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.** The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(29) In order to reinforce the Union-wide coherence of environmental charging, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels **and fuels. When adopting such delegated acts, the Commission should take into account the Environmental Ship Index (ESI) and the progress made by the World Ports Climate Initiative (WPCI). These classifications** and common **environmental charging guidelines should serve only as basis for allowing variations of port infrastructure charges and should not affect the competence of the managing body of a port to set the level of port infrastructure charges autonomously, in accordance with the applicable rules.** The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and **to the Council.**

Or. en

Amendment 197
Luis de Grandes Pascual

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to **supplement and amend certain non-essential elements of this Regulation and in particular to promote the uniform application of environmental charging**, reinforce the Union-wide coherence of environmental charging **and**

Amendment

(29) In order to reinforce the Union-wide coherence of environmental charging, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect

to ensure common charging principles in relation to the promotion of short sea shipping, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of common classifications of vessels, fuels *and types of operations according to which to vary the infrastructure charges and common charging principles for port infrastructure charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.* The Commission, when preparing and *drawing-up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

of common classifications of vessels *and* fuels. *When adopting such delegated acts, the Commission should take into account the Environmental Ship Index (ESI) and the progress made by the World Ports Climate Initiative (WPCI). These classifications should serve only as a basis for allowing variations of port infrastructure charges and should not affect the competence of the managing body of a port to set the level of the port infrastructure charges, in accordance with the applicable rules.* The Commission, when preparing and *drawing up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and *to the* Council.

Or. en

Amendment 198
Philip Bradbourn

Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

(30) In order to ensure uniform conditions for the implementation of this Regulation implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of

deleted

*implementing powers*¹³ .

¹³ OJ L 55, 28.2.2011, p. 13.

Or. en

Amendment 199
Sabine Wils

Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

*(30) In order to ensure uniform conditions for the implementation of this Regulation implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers*¹³ .

deleted

¹³ OJ L 55, 28.02.11, p. 13.

Or. de

Justification

Recital 30 is contrary to the subsidiarity principle. It would enable the Commission to interfere even more with what are national matters and would create additional red tape.

Amendment 200
Georgios Koumoutsakos

Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

(30) In order to ensure uniform conditions for the implementation of this Regulation implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹³.

deleted

¹³ OJ L 55, 28.2.2011, p. 13.

Or. en

Amendment 201
Slawomir Nitras, Artur Zasada

Proposal for a regulation
Recital 30

Text proposed by the Commission

Amendment

(30) In order to ensure uniform conditions for the implementation of this Regulation implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

deleted

*mechanisms for control by the Member States of the Commission's exercise of implementing powers*¹³.

¹³ OJ L 55, 28.2.2011, p. 13.

Or. pl

Amendment 202
Karim Zéribi

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure **uniform** conditions for the implementation of this **Regulation** implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹³.

¹³ OJ L 55, 28.02.11, p. 13.

Amendment

(30) In order to ensure **appropriate** conditions for the implementation of this **Directive**, implementing powers relating to appropriate arrangements for the exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹³.

¹³ OJ L 55, 28.02.11, p. 13.

Or. fr

Amendment 203
David-Maria Sassoli, Franco Frigo

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure uniform conditions for the implementation of this Regulation implementing powers relating to appropriate arrangements for the ***exchange of information between independent supervisory bodies should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers***¹³ .

¹³ OJ L 55, 28.2.2011, p. 13.

Amendment

(30) In order to ensure ***fair and*** uniform conditions for the implementation of this Regulation, implementing powers relating to appropriate arrangements for the ***identification of a European body whose decisions are binding for the ports*** should be ***conferred on the Commission***.

¹³ OJ L 55, 28.2.2011, p. 13.

Or. en

Justification

To guarantee a smooth and fair application of the Regulation, a European body should be identified.

Amendment 204

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Since the objectives of this Regulation, namely ensuring the modernisation of port services and the appropriate framework to attract necessary investments in all the ports of the trans-European transport network, cannot be sufficiently achieved by the Member States because of the European dimension, international and cross-border nature of

Amendment

(31) Since the objectives of this Regulation, namely ensuring the modernisation of port services and the appropriate framework to attract necessary investments in all the ports of the trans-European transport network, cannot be sufficiently achieved by the Member States because of the European dimension ***and the*** international and cross-border nature of

port and related maritime business and can therefore, by reason of the need for a European level playing field, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

port and related maritime business, and can therefore, by reason of the need for a European level playing field, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Justification

To avoid any possible further misunderstanding, it would be useful to clearly state to what kind of port this regulation applies.

Amendment 205
Philippe De Backer

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) Port labour relations have a large influence on the working of the ports. Therefore the sectoral Social Dialogue Committee for ports gives the social partners a framework to establish results regarding work organisation and working conditions, such as health and safety, training and qualifications, EU policy on low sulphur fuels, attractiveness of the sector to young workers and female workers. The Commission should facilitate the negotiations and monitor them closely. If no clear agreement is reached by 2016, the Commission should, if appropriate, come forward with a legal proposal.

Amendment 206
Karim Zéribi

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) Working conditions in ports have a great impact on their efficiency. In this connection, the sectoral social dialogue committees for ports should play their role of conciliation in terms of social conditions, in particular working conditions, health and safety, training and qualifications. The Commission should facilitate and support negotiations and follow them up. The social partners are called upon to report on their progress in good time so that it can be included by the Commission when it draws up its report on the effects of this Directive.

Or. fr

Amendment 207
Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) Port labour relations have a large influence on the activities and working of the ports. Therefore the sectoral Social Dialogue Committee for ports may provide the EU social partners with a framework to possibly adopt common results regarding social issues related to port labour relations. The Commission

should facilitate, support and offer technical assistance to the negotiations where necessary. The EU social partners should be invited to report on progress on time, if they wish to do so, so that their outcomes could be taken into account by the Commission when reporting on the effect of this Regulation.

Or. en

Amendment 208
Inés Ayala Sender

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) Port labour relations have a large influence on the working of the ports. Therefore the sectoral Social Dialogue Committee for ports gives the social partners a framework to establish results regarding issues such as improved working conditions, occupational health and safety, training and qualifications. The Commission should facilitate the negotiations, support and monitor them closely. The social partners should be encouraged to report on progress on time so that the progress can be taken into account by the Commission when reporting on the effect of this Regulation.

Or. en

Amendment 209
Philippe De Backer

Proposal for a regulation
Recital 31 b (new)

Text proposed by the Commission

Amendment

(31 b) This Regulation does not impose a specific port management model prescribing a specific status, role or mission for managing bodies of the port. Insofar as the rules on market access and financial transparency are respected, Member States' port management models laid down in national legislation can be maintained. This includes models delegating port management rights and responsibilities to public entities safeguarding the general port interest.

Or. en

Amendment 210
Peter van Dalen

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

Article 1

deleted

Subject matter and scope

1. This Regulation establishes:

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

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

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports.

(a) bunkering

(b) cargo handling;

- (c) dredging;*
- (d) mooring;*
- (e) passenger services;*
- (f) port reception facilities;*
- (g) pilotage and;*
- (h) towage.*

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

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

Or. nl

Amendment 211
Inés Ayala Sender

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

Text proposed by the Commission

Amendment

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

Or. es

Justification

The Directive's scope should be limited to improving transparency in regard to ports: Transparency of financial flows, state aid, EU subsidies ports may receive, etc.

Amendment 212
Jean-Pierre Audy

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

Frankly what is the point of the adjective ‘clear’? I propose that it be deleted, since it adds nothing to the text from a legal point of view.

Amendment 213
Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation
Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports.

Amendment

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports, ***if they are organised as economic activities.***

Or. nl

Justification

The aim of the Regulation is to make market access free for certain port services in so far as they are organized as an economic activity. This amendment seeks to take into account the freedom of Member States to organize non-economic services while complying with Treaty provisions regarding equal treatment, non-discrimination, transparency and the free movement of persons.

Amendment 214
Ivo Belet, Marianne Thyssen

Proposal for a regulation
Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports.

Amendment

2. This Regulation shall apply to the provision of the following categories of port services, ***if they are organised as economic activities***, either inside the port area or on the waterway access to and from the ports.

Or. nl

Amendment 215
Dieter-Lebrecht Koch

Proposal for a regulation
Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports.

Amendment

2. This Regulation shall apply to the provision of the following categories of port services, either inside the port area or on the waterway access to and from the ports, ***and to dredging***.

Or. en

Amendment 216
Philip Bradbourn, Jacqueline Foster

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

Text proposed by the Commission

(b) cargo handling;

Amendment

deleted

Or. en

Justification

It is not appropriate that such charges at unsubsidised ports in a competitive market should

be regulated, nor for the cost base to be exposed to the port's customers in business-to-business transactions when there is no reciprocal requirement on the other party.

Amendment 217
Philip Bradbourn

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

Text proposed by the Commission

Amendment

(c) dredging; ***deleted***

Or. en

Amendment 218
Sabine Wils

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

Text proposed by the Commission

Amendment

(c) dredging; ***deleted***

Or. de

Justification

As the German Bundesrat has already stated, the port services market does not cover dredging, which is an activity carried out in the public interest in order to maintain maritime access to ports. No provisions on dredging should therefore be incorporated into this regulation.

Amendment 219
Georgios Koumoutsakos

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

Text proposed by the Commission *Amendment*
(c) dredging; *deleted*
Or. en

Amendment 220
Carlo Fidanza, Dominique Riquet

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

Text proposed by the Commission *Amendment*
(d) mooring; *deleted*
Or. it

Amendment 221
David-Maria Sassi, Franco Frigo

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

Text proposed by the Commission *Amendment*
(d) mooring; *deleted*
Or. it

Amendment 222
Philip Bradbourn

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

Text proposed by the Commission *Amendment*
(d) mooring; *deleted*
Or. en

Amendment 223
Sabine Wils

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

Text proposed by the Commission

Amendment

(d) mooring; **deleted**

Or. de

Justification

This point should be deleted, partly on safety grounds.

Amendment 224
Karim Zéribi

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

Text proposed by the Commission

Amendment

(f) mooring; **(f) mooring;**

Or. fr

Justification

This amendment does not concern the English version.

Amendment 225
Dominique Vlasto, Dominique Riquet

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

Text proposed by the Commission

Amendment

(f) mooring; **(f) mooring;**

Justification

This amendment does not concern the English version.

Amendment 226

Sabine Wils

Proposal for a regulation

Article 1 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) port reception facilities;

deleted

Or. de

Justification

As the German Bundesrat has stated, the port services market does not cover port reception facilities, which constitute a vital public service provided with a view to keeping ports clean.

Amendment 227

Philip Bradbourn

Proposal for a regulation

Article 1 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) pilotage and;

deleted

Or. en

Amendment 228

Sabine Wils

Proposal for a regulation

Article 1 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) pilotage and;

deleted

Or. de

Justification

As the German Bundesrat has stated, the port services market does not cover pilotage, a vital service provided with the aim of guaranteeing nautical and port safety. The choice of wording was almost certainly dictated by large shipping companies, which see this provision as a way of pushing down piloting fees.

Amendment 229

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. it

Amendment 230

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Article 1 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. it

Amendment 231

Philip Bradbourn

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

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. en

Amendment 232
Sabine Wils

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

Text proposed by the Commission

Amendment

(h) towage.

deleted

Or. de

Amendment 233
Karim Zéribi

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. fr

Justification

It appears more appropriate to restrict the application of the text to the core network ports of the TEN-T. In any case, the following paragraph of the same Article allows the scope of the text to be extended to include other ports at the decision of each Member State.

Amendment 234
Silvia-Adriana Țicău

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 235
Philippe De Backer

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

Text proposed by the Commission

Amendment

4 a. Member States may also apply this Regulation to other port services. In this case, they shall notify the Commission of their decision.

Or. en

Justification

The list mentioned in paragraph 2 is a closed list. This paragraph is added to give Member States the possibility to bring other port services under the umbrella of the Regulation.

Amendment 236
Peter van Dalen

Proposal for a regulation
Article 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. nl

Amendment 237
Giommaria Uggias

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

Text proposed by the Commission

Amendment

2. "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the processing, transporting and temporary storage of the cargo on the relevant cargo handling terminal and directly related to the transporting of the cargo, but excluding warehousing, stripping, repackaging or any other value added services related to *the handled* cargo;

2. "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the processing, transporting and temporary storage of the cargo on the relevant cargo handling terminal and directly related to the transporting of the cargo, but excluding warehousing, stripping, repackaging or any other value added services related to cargo *handling in port*;

Or. it

Amendment 238
Kathleen Van Brempt, Saïd El Khadraoui

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

Text proposed by the Commission

Amendment

2. "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the processing, transporting and temporary

2. cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the *securing and release*, processing, transporting and

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

temporary storage of the cargo on the relevant cargo handling terminal and directly related to the transporting of the cargo, **including** warehousing, stripping, repackaging or any other value added services **carried out at the seaport** related to the handled cargo;

Or. nl

Amendment 239
Slawomir Nitras, Artur Zasada

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

Text proposed by the Commission

2. "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the processing, transporting and temporary storage of the cargo on the relevant cargo handling terminal **and directly related to the transporting of the cargo, but excluding** warehousing, stripping, repackaging **or any other value added** services related to the **handled** cargo;

Amendment

2. "cargo handling services" means the organisation and handling of cargo between the carrying waterborne vessel and the shore be it for import, export or transit of the cargo, including the processing, transporting and temporary storage of the cargo on the relevant cargo handling terminal, warehousing, stripping, repackaging **and other services directly** related to the **transportation of the** cargo;

Or. pl

Justification

Cargo handling practices at port terminals in some Member States often include the warehousing, formation and stripping of containers, as well as repackaging. If the provision defining cargo handling in the Regulation is not modified, it may lead to a situation in which the various services provided by a single port agency are subject to separate regulation.

Amendment 240
Sabine Wils

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

3. "dredging" means the removal of sand, sediment or other substances from the bottom of the waterway access to a port in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible;

deleted

Or. de

Justification

In keeping with Amendment 14 (deletion of Article 1(2)(c)), this point must also be deleted.

Amendment 241
Silvia-Adriana Țicău

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

3. "dredging" means the removal of sand, sediment or other substances from the bottom of the waterway access to a port in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible;

3. "dredging" means the removal of sand, sediment or other substances from the bottom of the waterway access to a port ***or inside the port itself*** in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible;

Or. ro

Amendment 242
Georgios Koumoutsakos

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. ‘dredging’ means the removal of sand, sediment or other substances from the bottom of the waterway access to a port in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible;

Amendment

3. ‘dredging’ means the removal of sand, sediment or other substances from the bottom of the waterway access to a port in order to allow waterborne vessel to have access to the port and comprises both the initial removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible, **and is not a port service offered to the users**;

Or. en

Amendment 243
Dominique Vlasto

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

5. "managing body of the port" means any public or private body which, whether or not in conjunction with other activities, has as its objective under national law or instruments the administration and management of the port infrastructures, port traffic, the coordination and, where appropriate, the control of the activities of the operators present in the port concerned;

Amendment

5. "managing body of the port" means any public or private body which, whether or not in conjunction with other activities, has as its objective under national law or instruments the administration and management of the port infrastructures, port traffic, the coordination and, where appropriate, **the realisation, organisation or the control of the activities of the operators present in the port concerned, the administration and the management of port traffic in the port in question and the development of the port area**;

Or. fr

Justification

By way of complementing the rapporteur's amendment, which makes a distinction to cover the various responsibilities assigned to the management body of the port in the Member States,

mention must also be made of competences in the development of the port area, which has impact in particular on interconnection with other infrastructures and economic activities.

Amendment 244
Carlo Fidanza

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. "mooring" means the berthing and un-berthing services required for a waterborne vessel being anchored or otherwise fastened to the shore in the port or in the waterways access to the port; *deleted*

Or. it

Amendment 245
Sabine Wils

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. "mooring" means the berthing and un-berthing services required for a waterborne vessel being anchored or otherwise fastened to the shore in the port or in the waterways access to the port; *deleted*

Or. de

Justification

In keeping with Amendment 15 (deletion of Article 1(2)(d)), this point must also be deleted.

Amendment 246
Karim Zéribi

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. "mooring" means the berthing and un-berthing **services** required for a waterborne vessel being anchored or otherwise fastened to the shore in the port or in the waterways access to the port;

Amendment

6. "mooring" means the **mooring services in charge of** berthing and un-berthing **operations** required for a waterborne vessel being anchored or otherwise fastened to the shore in the port or in the waterways access to the port;

Or. fr

Justification

Clarification. This amendment does not apply in part to the English version.

Amendment 247
Georgios Koumoutsakos

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. "mooring" means the berthing and un-berthing services required for a waterborne vessel being **anchored or otherwise** fastened to the shore in the port or in the waterways access to the port;

Amendment

6. "mooring" means the berthing and un-berthing services required for a waterborne vessel being fastened to the shore in the port or in the waterways access to the port, **thereby allowing passengers and others persons, goods or the cargo to be transferred safely on or off the vessel;**

Or. el

Amendment 248
Dominique Vlasto, Dominique Riquet

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. "mooring" means the berthing and un-berthing *services* required for a waterborne vessel *being anchored or otherwise fastened to the shore* in the port or in the waterways access to the port;

6. "mooring" means the *services, land and maritime equipment and personnel for* the berthing and un-berthing *operations* required for a waterborne vessel in the port or in the waterways access to the port *infrastructures*;

Or. fr

Justification

This amendment largely concerns the French version only.

Amendment 249

Sabine Wils

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

8. "*pilotage*" means the *guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for a safe entry or exit of the vessel in the waterways access to the port*;

deleted

Or. de

Justification

In keeping with Amendment 17 (deletion of Article 1(2)(g)), this point must also be deleted.

Amendment 250

Silvia-Adriana Țicău

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. "pilotage" means the guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for a safe entry or exit of the vessel in the waterways access to the port;

Amendment

8. „pilotage" means the guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for a safe entry or exit of the vessel in the waterways access to the port **and in navigating to or from the open sea;**

Or. ro

Amendment 251

Karim Zéribi

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. "port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port and paid by the operators of waterborne vessels or cargo owners for the use of facilities and services that allow vessels entry and exit in and out of the port, including the waterways giving access to those ports, **as well as** access to the processing of passengers and cargo;

Amendment

9. "port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port and paid by the operators of waterborne vessels or cargo owners for the use of **infrastructures, facilities and services, under the control and the administrative management of the managing body of the port,** that allow vessels entry and exit in and out of the port, including the waterways giving access to those ports, **and** access to the processing of passengers and cargo **and land connections with the port;**

Or. fr

Justification

This amendment is self-explanatory.

Amendment 252

Dominique Vlasto, Dominique Riquet

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. "port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port and paid by the operators of waterborne vessels or cargo owners for the use of facilities and services that allow vessels entry and exit in and out of the port, including the waterways giving access to **those ports, as well as** access to the processing of passengers and cargo;

Amendment

9. "port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port and paid by the operators of waterborne vessels or cargo owners for the use of facilities and services that allow vessels entry and exit in and out of the port, including the waterways giving access to **the port where these waterways are administered and managed by the port itself**, access to the processing of passengers and cargo, **and land connections with the port**;

Or. fr

Justification

It should be made clear that land access routes to the port may be subject to fees where they are actually administered by the port in question.

Amendment 253
Silvia-Adriana Țicău

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. "port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port **and paid by the operators of waterborne vessels or cargo owners for the use of facilities and services that allow vessels entry and exit in and out of the port, including the waterways giving access to those ports, as well as access to the processing of passengers and cargo**;

Amendment

9. port infrastructure charge" means a fee collected for the direct or indirect benefit of the managing body of the port **or port access waterway, as appropriate, and paid by all users of port infrastructures, including passenger service infrastructures, essential port facilities and port access waterways**;

Amendment 254
Sabine Wils

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

10. "port reception facility" means any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues as defined in Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues¹⁴;

deleted

¹⁴ OJ L 332, 28.12.2000, p.81-90.

Or. de

Justification

In keeping with Amendment 16 (deletion of Article 1(2)(f)), this point must also be deleted.

Amendment 255
Karim Zéribi

Proposal for a regulation
Article 2 – paragraph 1 – point 12

Text proposed by the Commission

Amendment

12. "port service contract" means a formal and legally binding agreement between a provider of port service and a competent authority whereby this body designates a provider of port service to provide port services following a procedure to limit the number of providers of port services;

12. "port service contract" means a formal and legally binding agreement between a provider of port service and a competent authority whereby this body designates a provider of port service to provide port services following a procedure to limit the number of providers of port services, ***without prejudice to the existing***

procedures for designating port service providers in the Member States;

Or. fr

Justification

The proposed notion of port service contract does not correspond to existing practice in some Member States.

Amendment 256
Corien Wortmann-Kool

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

13. ‘provider of port services’ means any natural or legal person providing, or wishing to provide, **for remuneration**, one or more categories of port services listed in Article 1(2);

Amendment

13. ‘provider of port services’ means any natural or legal person providing, or wishing to provide one or more categories of port services listed in Article 1(2);

Or. en

Amendment 257
Silvia-Adriana Țicău

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

13. "provider of port services" means any natural or legal person providing, **or wishing to provide**, for remuneration, one or more categories of port services listed in Article 1(2);

Amendment

13. "provider of port services" means any natural or legal person providing, **within a regulated framework**, for remuneration, one or more categories of port services listed in Article 1(2);

Or. ro

Amendment 258
Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

13. "provider of port services" means any natural or legal person providing, or wishing to provide, for remuneration, one or more categories of port services *listed in Article 1(2)*;

Amendment

13. „"provider of port services" means any natural or legal person providing, or wishing to provide, for remuneration, one or more categories of port services *organised as an economic activity*;

Or. nl

Justification

In line with the amendment to Article 1(2), it is proposed that the Member States (or other competent authorities or port management bodies to which responsibility is delegated) be empowered to decide whether a port service should be regarded as an economic activity.

Amendment 259
Ivo Belet, Marianne Thyssen

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

13. "provider of port services" means any natural or legal person providing, or wishing to provide, for remuneration, one or more categories of port services listed in Article 1(2);

Amendment

13. provider of port services" means any natural or legal person providing, or wishing to provide, for remuneration, one or more categories of port services listed in Article 1(2) *if organised as an economic activity*;

Or. nl

Amendment 260
Dominique Vlasto

Proposal for a regulation
Article 2 – paragraph 1 – point 16

Text proposed by the Commission

16. "seaport" means an area of land and water made up of such works and equipment so as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods and the embarkation and disembarkation of passengers; and any other infrastructure necessary for transport operators within the port area;

Amendment

16. "seaport" means an area of land and water made up of such works and equipment so as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods and the embarkation and disembarkation of passengers **and other persons**; and any other infrastructure necessary for transport operators within the port area;

Or. fr

Justification

Persons other than passengers may embark or disembark. Furthermore, the last part of the paragraph provides scope for a non-restrictive view of port infrastructure which can, for instance, include the infrastructure necessary for naval repairs.

Amendment 261

Silvia-Adriana Țicău

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

16. "seaport" means **an** area of land and water made up of such works and equipment so as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods and the embarkation and disembarkation of passengers; and any other infrastructure necessary for transport operators within the port area;

Amendment

16. „"seaport" means **a delimited** area of land and water made up of such works and equipment so as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods and the embarkation and disembarkation of passengers; and any other infrastructure necessary for transport operators within the port area;

Or. ro

Amendment 262
Carlo Fidanza

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

Amendment

17. "towage" means the assistance to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port by providing assistance to the manoeuvring of the waterborne vessel; **deleted**

Or. it

Amendment 263
Sabine Wils

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

Amendment

17. "towage" means the assistance to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port by providing assistance to the manoeuvring of the waterborne vessel; **deleted**

Or. de

Justification

In keeping with Amendment 18 (deletion of Article 1(2)(h)), this point must also be deleted.

Amendment 264
Jutta Steinruck

Proposal for a regulation
Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

18 a. "Subcontractor" means any natural person or any legal entity, to whom the execution of all or part of the obligations of a prior contract is assigned;

Or. en

Amendment 265

Mathieu Grosch, Ivo Belet, Marianne Thyssen

Proposal for a regulation

Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

18 a. "Access and defence infrastructure" means all infrastructure that allows sea and land access to a port area including maritime access and defence works, land access connections to general transport facilities and infrastructure for utilities necessary for the activities in the port area;

Or. en

Justification

The infrastructure of ports requires a specific approach. In particular, a clearer definition of different port infrastructures is needed.

Amendment 266

Phil Bennion

Proposal for a regulation

Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

18 a. 'Privately owned and operated port' means a port that is not owned and

*operated by a national authority, a region,
a province or a municipality;*

Or. en

Amendment 267

Mathieu Grosch, Ivo Belet, Marianne Thyssen

Proposal for a regulation

Article 2 – paragraph 1 – point 18 b (new)

Text proposed by the Commission

Amendment

18 b. "Terminal or project-related infrastructure" means civil works within the port area that include berths used for the mooring of ships, the reclamation of land used for terminal construction, dredging alongside berths and access to terminals from the general public transport facilities within the port area, mentioned under Article 2(1)(18a);

Or. en

Justification

The infrastructure of ports requires a specific approach. In particular, a clearer definition of different port infrastructures is needed.

Amendment 268

Mathieu Grosch, Ivo Belet, Marianne Thyssen

Proposal for a regulation

Article 2 – paragraph 1 – point 18 c (new)

Text proposed by the Commission

Amendment

18 c. "Port superstructure" means surface arrangements, warehouses, workshops, office buildings, mobile and fixed equipment, information and automation systems needed to perform the

port services mentioned under Article 2(2);

Or. en

Justification

The infrastructure of ports requires a specific approach. In particular, a clearer definition of different port infrastructures is needed.

Amendment 269
Jutta Steinruck

Proposal for a regulation
Article -3 (new)

Text proposed by the Commission

Amendment

Article -3

Subcontracting

- 1. A provider of port services as referred to in Article 2 (13) may not subcontract services except if it is temporarily unable to provide these services due to force majeure. Collective action shall not be considered force majeure.***
- 2. Subcontractors may not subcontract port services.***
- 3. Any provider of port services using one or more subcontractors shall inform the managing body of the port of the name and activities of the subcontractors concerned.***
- 4. Where the employer is a subcontractor and without prejudice to the provisions of national law concerning the rights of contribution or recourse, or to provisions of national law in the field of social security, Member States shall ensure that the contractor of which the employer is a direct subcontractor may, in addition to or in place of the employer, be liable to pay:***

(a) any financial sanction imposed; and

(b) any back payments

5. Where the service provider is a subcontractor, Member States shall ensure that the main contractor and any intermediate subcontractor, where they knew that the employing subcontractor employed illegally staying third-country nationals, may be liable to make the payments referred to in paragraph 4 in addition to or in place of the employing subcontractor or the contractor of which the employer is a direct subcontractor.

6. Member States may provide for more stringent liability rules under national law.

7. Subcontractors shall be able to prove their good repute regarding respect of social and labour rights, including the application of laws and agreements to protect health and safety.

Or. en

Amendment 270

Peter van Dalen

Proposal for a regulation

Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Freedom to provide services

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

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

shall be fair, reasonable and non-discriminatory.

Or. nl

Amendment 271

Peter van Dalen

Proposal for a regulation

Article 4

Text proposed by the Commission

Amendment

Article 4

deleted

Minimum requirements for the provision of port services

- 1. The managing body of the port may require that providers of port services comply with minimum requirements to perform the corresponding port service.*
- 2. The minimum requirements provided for in paragraph 1 may only relate, where applicable, to:*
 - (a) the professional qualifications of the port service provider, its personnel or the natural persons who effectively and continuously are managing the activities of the port service provider;*
 - (b) the equipment needed to provide the relevant port service in normal and safe conditions and the capacity to maintain this equipment at the appropriate level;*
 - (c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment and persons;*
 - (d) the compliance with local, national, Union and international environmental requirements.*
- 3. The minimum requirements shall be transparent, non-discriminatory, objective and relevant to the category and nature of*

port services concerned.

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

5. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port by 1 July 2015 or for minimum requirements being applicable after that date at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Or. nl

Amendment 272

Karim Zéribi

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

It is more appropriate to set some requirements at national, rather than at local level, for example professional qualifications.

Amendment 273

Kathleen Van Brempt, Saïd El Khadraoui

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Without prejudice to the possibility of imposing public service obligations under Article 8, the*** managing body of the port may require that providers of port services comply with minimum requirements to perform the corresponding port service.

Or. nl

Justification

Even where access to the port services market is unlimited, it may be necessary to impose public service obligations to prevent certain factors (cherry picking, problems of coordination, etc.) leading to market distortion.

Amendment 274

Dominique Vlasto

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

The optional nature of this provision is inappropriate, given the matters for which minimum requirements are being set.

Amendment 275
Dominique Vlasto

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

The restrictive nature of this provision is inappropriate, given the matters for which minimum requirements are being set.

Amendment 276
Slawomir Nitras, Artur Zasada

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. pl

Justification

The Regulation should give port management bodies a significant degree of freedom to set the minimum requirements for the provision of services.

Amendment 277
Silvia-Adriana Țicău

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 278
Dominique Vlasto, Dominique Riquet

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) the equipment needed to provide the relevant port service ***to any vessel which the port may receive, at all berths,*** in normal and safe conditions, ***in a continuous manner,*** and the ***technical and technical*** capacity to maintain this equipment at the appropriate level;

Or. fr

Justification

Some port services must comply with the principles of universality and continuity, especially when they involve the performance of a public service task.

Amendment 279
Georges Bach

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Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 280
Corien Wortmann-Kool

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) the compliance with requirements on the maritime safety or the safety and security of the port or access to it, its installations, equipment and persons, **on the availability of the service and on the cooperation between the technical-nautical services**;

Or. en

Amendment 281
Carlo Fidanza, Antonio Cancian

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

on the availability of the service;

Or. en

Amendment 282
Jean-Pierre Audy

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

Social dumping should be avoided.

Amendment 283
Georgios Koumoutsakos

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the compliance with social and labour legislation;

Or. en

Amendment 284
Karim Zéribi

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 285
Sabine Wils

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) compliance with social and labour standards, including the provisions on health protection and accident prevention;

Or. de

Justification

This addition is needed because it is imperative that the regulation should lay down provisions governing the working conditions of European maritime port employees.

Amendment 286
Brian Simpson

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the good reputation of the port service provider concerning the application of social standards protecting employees' health and safety and

respecting their labour rights;

Or. en

Justification

Alongside professional qualifications, equipment, maritime safety and environmental concerns, the good reputation concerning the respect of social standards should also play a role when choosing the service providers.

Amendment 287
Corien Wortmann-Kool

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) availability requirements;

Or. en

Amendment 288
Knut Fleckenstein, Saïd El Khadraoui, Kathleen Van Brempt

Proposal for a regulation
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the good repute of the applicant regarding the respect of social and labour rights, including the application of laws and the agreement to protect health and safety;

Or. en

Amendment 289
Georges Bach

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. the compliance with social and labour legislation, including the application of laws and agreement to protect health and safety;

Or. en

Amendment 290
Mara Bizzotto

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The body managing the port which is part of the TEN-T network may become involved in the development of terrestrial links to markets by making its own investments in works and/or infrastructure.

Or. it

Amendment 291
Karim Zéribi

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

ensured by the Member State.

Or. fr

Justification

It is self-evident that the offer of a port service, which is closely linked to security and maritime safety, has to ensure that such conditions are met. This paragraph therefore appears superfluous.

Amendment 292
Jean-Pierre Audy

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. fr

Justification

It is not the business of the managing body of the port to ensure that appropriate training is available to providers under transparent and non-discriminatory conditions.

Amendment 293
Śławomir Nitras, Artur Zasada

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. pl

Amendment 294
Philip Bradbourn

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

5. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port by 1 July **2015** or for minimum requirements being applicable after that date at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Amendment

5. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port by 1 July **2018** or for minimum requirements being applicable after that date at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Or. en

Amendment 295
Silvia-Adriana Țicău

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

(5) In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port by 1 July 2015 or for minimum requirements being applicable after that date at least **three** months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Amendment

(5) In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall have been published by the managing body of the port by 1 July 2015 or for minimum requirements being applicable after that date at least **six** months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Or. ro

Amendment 296
Georgios Koumoutsakos

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

5. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall **have been** published by the managing body of the port **by 1 July 2015 or for** minimum requirements being applicable after that date at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Amendment

5. In the cases provided for in paragraph 1, the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements shall **be** published by the managing body of the port **3 years after the entry into force of this Regulation at the latest or, in the case of** minimum requirements being applicable after that date at least three months before the date on which those requirements would become applicable. Providers of port services shall be informed in advance of any change in the criteria and of the procedure.

Or. en

Amendment 297
Peter van Dalen

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Procedure to ensure compliance with the minimum requirements

- 1. The managing body of the port shall treat providers of port services equally and shall act in a transparent manner.*
- 2. The managing body of the port shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within one month from receiving a request for the granting of such a right. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.*
- 3. Any limit in the duration of the decision issued in accordance with paragraph 2 may be justified only on grounds related to the type and nature of the port service.*

Or. nl

Amendment 298
Karim Zéribi

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The managing body of the port shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within **one month** from receiving a request for the granting of such

2. The managing body of the port shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within **a reasonable period of time and in any case no more than six**

a right. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.

months from receiving a request for the granting of such a right. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.

Or. fr

Justification

Ports should be given more room for manoeuvre regarding the time required to process a service delivery, without this affecting the overall quality of the service offered by the port.

Amendment 299
Philippe De Backer

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

In order to respect the decision making process in the different ports, the management bodies should be allowed sufficient time to make their decisions.