

**Question for written answer P-003960/2013  
to the Commission**

Rule 117

**Raffaele Baldassarre (PPE)**

**Subject:** Rules governing services for ships in the port of Brindisi and EU law on free competition and the award of concessions

The current regulation governing services for ships in the port of Brindisi, which entered into force on 1 January 2002, provides that applications for a concession may be taken into consideration only when at least four tugs are available to the applicant (Article 1). The same article also lays down minimum requirements for the respective power of the tugs, namely: two 4500 BHP tugs, one 3500 BHP tug and one 3000 BHP tug.

Article 8 of the Regulation, however, limits the number of concessions to a single act for the entire service, whilst establishing that, where an application for a concession is submitted during the period of validity of a previous act, the application cannot be examined unless the non-performance of the current concession-holder has been ascertained and a revocation procedure launched.

The specific and restrictive nature of the above criteria has resulted, over the years, in a situation that disproportionately favours the position of the current concession-holder, limiting the access of external applicants to ship towing services within the port of Brindisi. Indeed, potential applicants not only have to meet the technical requirements for submitting a concession application (Article 1), but also have to wait for the non-performance of the existing concession-holder to be ascertained and the revocation procedure to be initiated.

In view of the above, can the Commission say:

1. whether it is aware of these facts;
2. whether it believes that the rules laid down in the regulation governing services for ships in the port of Brindisi are compatible with the principles relating to competition enshrined in the EU treaties;
3. whether these rules are compatible with EU law on concessions and with the objectives relating to transparency and market access set out in the proposal for a directive, currently under consideration, on the award of concession contracts?