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THE EUROPEAN UNION**

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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: Commission Staff Working Document
Implementation Plan accompanying the document
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

Delegations will find attached Commission document SWD(2013) 183 final.

Encl.: SWD(2013) 183 final



Brussels, 23.5.2013
SWD(2013) 183 final

COMMISSION STAFF WORKING DOCUMENT

Implementation Plan

Accompanying the document

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

**establishing a framework on the market access to port services and the financial
transparency of ports**

{COM(2013) 296 final}
{SWD(2013) 181 final}
{SWD(2013) 182 final}

Implementation plan¹

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2. Deliverables and implementation challenges

The proposal relates to a Regulation directly and uniformly applicable. The implementation challenges are therefore limited and listed below.

The main challenges relate in particular to:

1. Developing common practices in the different national independent supervisory bodies;
2. Organising the required transparency in the case of public financial funds attributed to a managing body of the port or a port service provider;
3. Determining the criteria for modulating port infrastructure charges;
4. Laying down the rules on sanctions applicable to infringements of the provision of this Regulation.

3. Support Actions

Commission Actions:

The Commission's proposal for a Regulation foresees the adoption of implementing acts in support of the above mentioned challenges 1 and 3. The implementing acts will help the Member States in developing both the methodology for the charging principles in case of environmental charging as well as for the common principles to be applied by the independent supervisory bodies.

The Commission is at the disposal for the Member States to address implementation challenges either bilaterally or in the context of the Committee. The latter will be established under Article 15 of the proposed Regulation. This Committee will serve as a platform and a network to exchange good practices and experience. On top of that, the Commission will provide where appropriate technical assistance in different forms like explanatory guidance, expert meetings, working groups, Commission recommendations.

The Commission proposes to issue a report on the functioning and effect of the Regulation three years after the entry into force. This will be an appropriate opportunity to see if further action from the side of the Commission, including possible further legislative proposals, would be required.

Member State Actions:

The Member States have one year to take the necessary actions to apply this proposed Regulation.

More specifically and related to the challenges identified above:

¹ This Implementation Plan is provided for information purposes only. It does not legally bind the Commission on whether the identified actions will be pursued or on the form in which they will be pursued.

1. The Member States will have the opportunity in the Committee to work together with the Commission in order to come to the final adoption of an implementing act in order to support the Member States with common principles to be applied by the independent supervisory bodies.
2. On the issue of ensuring transparency in the case of use of public funding, the Member States are considered to have the appropriate experience in other domains to organise this. If requested, the Commission can assist both the managing body of the port and the Member State with pointing to specific practices in other ports and Member States.
3. On the modulation of infrastructure charges, the Commission will assist the managing bodies of the port and the Member States with an implementing act related to the environmental modulation. For other matters, managing bodies and Member States can contact the Commission for further guidance and advice either bilaterally or in the context of the Committee procedure.
4. When laying down the rules on sanctions, Member States are advised to be proportionate. Member States can contact the Commission for further guidance and advice either bilaterally or in the context of the Committee procedure.

| <i>Implementation challenge</i> | <i>Support action</i> | <i>Timing</i> |
|--|---|--|
| <i>1. Adopt common principles based on good practices to be applied by the independent supervisory bodies when implementing this regulation</i> | <i>Implementing act</i> | <i>2016</i> |
| <i>2. Ensuring transparent use of public funding</i> | <i>Multilateral contact via Committee Art. 15</i> <i>Ad hoc advice and guidance by the Commission if requested by Member States.</i> | <i>2015</i> <i>If requested</i> |
| <i>3. Adopting a methodology defining common classifications and common charging principles facilitating a uniform application of environmental charging</i> | <i>Implementing act</i> | <i>2013</i> |
| <i>4. Laying down rules for sanctions</i> | <i>Multilateral contact via Committee Art. 15</i> | <i>2015</i> |
| <i>General and specific issues regarding implementation</i> | <i>Bilateral contact</i> <i>Multilateral contact via Committee Art. 15</i> | <i>2013</i> <i>2015</i> |