



Council of the European Union

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Council adopts its position on port services

Today's Transport, Telecommunications and Energy Council adopted a **general approach** on new rules for **access to the port services market** in the EU and the **financial transparency of ports** ([14034/14](#) + [14034/14 ADD1](#)).

Main issues agreed at the Council meeting

The main questions agreed at the Council meeting relate to the **ports and services covered by the draft regulation**.

The ministers agreed that the regulation would cover all seaports listed in the [trans-European transport network guidelines](#), i.e. including the comprehensive network as well as the core network. However, member states may decide to leave out **ports in the comprehensive network located in the outermost regions**, such as Réunion, Madeira and the Canary Islands. They may also decide not to apply the rules on the separation of accounts to **small ports in the comprehensive network**, subject to certain conditions. On the other hand, member states would also be free to decide whether to apply the regulation to other ports as well.

When it comes to the different categories of service, **cargo handling and passenger services** will be subject to the financial transparency rules but exempt from the market access provisions, as initially proposed by the Commission. Member states will remain free to decide on market access rules for these services, in compliance with the Court of Justice case-law.

Members states may decide not to apply market access rules to **pilotage** into and out of ports, but the other parts of the proposal, including the provisions on financial transparency, will be applicable. **Dredging** will only be covered by the rules requiring separate accounts for publicly funded activities. These rules will apply when the port management body which receives public funding provides dredging within the port area under its jurisdiction.

Other changes from the Commission proposal

A number of other provisions have been made more flexible in order to avoid disproportionate administrative burdens for small ports and to take into account the diversity of the port sector in Europe as well as the particular circumstances of the member states. For instance, the potential for limiting the number of service providers has been expanded, e.g. to include cases where the level of traffic does not make it economically viable for several service providers to operate. Considerations of safety, security and environmental sustainability have also been included as grounds for limiting the number of providers and for imposing public service obligations. Transitional provisions have been adapted so as not to interfere with contracts concluded before the adoption of the regulation.

Main principles introduced by the draft regulation

The principle of freedom to provide services will apply to port services under certain conditions. Member states and port management bodies will be allowed to impose minimum requirements for the provision of port services and to limit the number of service providers if necessary.

Where a port management body receives public funding, it will have to keep separate accounts to show how those funds have been used. New rules will also make port service charges and port infrastructure charges more transparent.

Why new rules?

The objective of the new rules is to promote fairer competition and reduce legal uncertainties, thereby encouraging efficient port services and investment in ports. This can bring down costs for transport users. It can also help create new short sea links and improve the integration of maritime transport with other transport modes.

The transparency in financial relations between the state, ports and port service operators is expected to contribute to better allocation of public funds and to the effective and fair application of EU competition rules in ports.

Procedure

The Commission sent the proposal ([10154/13](#)) to the Council in May 2013, together with a communication entitled "Ports: an engine for growth" ([10160/13](#)). For the legal act to be adopted it will also have to be approved by the European Parliament.

- [EU maritime transport: ports](#)
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