



SHAPING THE PORTS OF THE FUTURE
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EUROPEAN PORTS POLICY AND THE PORT SERVICES REGULATION

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Role of ports in the EU: Many, diverse and very important

- Over 1200 commercial sea ports.
- Almost 3,8 billion tonnes of goods and 400m passengers in 2015.
- 75% of goods imported or exported from the EU
- 25% of goods transported within EU and 9% national
- More than 2m calls of vessels in main EU ports in 2015 with average size of 7400 GT
- Top 20 cargo ports handle round 44% of all the goods transported
- In short, ports are valuable assets which we need to preserve and strengthen!



Yes there is an EU ports policy

- Been there for a long time – latest update was 2013
- Aims to help EU ports in dealing with the challenges of the sector
- No “one size fits all” approach – recognises individual characteristics of ports
- Support the EU ports to reach their potential in a number of ways:
 - Legislative clarity
 - Funding
 - Coordination
 - Supporting sector initiatives



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Level playing field: stable and transparent legal framework

- Adoption of Directive 2014/23/EC on the award of concession contracts (March 2014) – 2 years for Member States to transpose
- Infringement procedures against abusive restrictions of port services
- Clarification on state aid rules for port investments
 - Notice on the notion of state aid
 - Review of General Block Exemption Regulation
 - State aid control – some 40 cases since 2011



Making life simpler: administrative simplification

- Reporting Formalities Directive 2010/65/EU for the establishment of the National Single Windows.
- Working on the harmonisation of the cargo manifest (e-manifest) requested by national authorities when vessels call in European ports.
- Digital Transport and Logistics Forum



Greening the blue sector: environmental aspects

- For ports themselves (support to GreenPorts, CEF and H2020 funding)
- Ports facilitating greening of maritime sector: Clean Power Transport Directive: LNG refuelling points and shore side electricity by 2025
- Environmentally differentiated charging
- Revision of the Port Reception Facilities Directive
- European Ports Forum – Subgroup proposal



We need to push ahead: Innovation

- Horizon 2020 coming to an end / FP9 under discussion
- New Task 'the Port of the Future'

Stage 1 awarded to "DocksTheFuture" project € 1,275 million

Stage 2 under evaluation, budget € 4 – 5 million

- European Ports Forum – Subgroup proposal

Focus on Regulation 2017/352

New rules on ports services in the EU

will unleash the economic potential of 329 main ports in Europe
helping to sustain 3 million jobs.





Basic Philosophy of Regulation 2017/352

- Open access to the market of port services
- Clear and comprehensive justification for decisions of competent authority or managing body of the port
- Transparency, objectivity, non-discrimination and proportionality
- Cooperation with all interested parties

What the Regulation is NOT

- One solution fits all
- Not a “European Ports Model”
- Designed for a specific port/country
- Linked to ownership status
- Silver bullet to solve all issues
- A place to solve other issues (e.g. state aid)



Whom does it concern

- 8 identified port services
- All TEN-T core and comprehensive ports
- However:
 - MS may decide to extend
 - MS may exclude comprehensive ports in outermost regions
 - Certain possibility for exemption for smaller ports from specific provision (see below)

Key Provisions (1)

- Article 3 – Open access is the "default mode"
Article 3 defines "allowable" restrictions – no other restrictions allowed !
- Article 4 – Minimum requirements: transparent, objective, non-discriminatory, proportionate, and relevant to the category and nature of the port service concerned
- Article 6 – limitations of number of providers if clear justification and open selection procedure.
Flexibility for smaller ports (indicative cargo thresholds: Bulk < 2.2 mio t & Non-Bulk: 1.5 mio t)

Key provisions (2)

- Article 11 – Transparency of public funding and separation of accounts for services or dredging publicly funded (smaller ports – like for Art 6 may be excluded but under certain additional conditions)
- Article 12 – Port service charges for pilots and public services: transparent, non-discriminatory and proportionate to the costs.
- Article 13 – Port infrastructure charges according to the port's own commercial strategy and investment plans.

Key provisions (3)

- Article 15 – Consultation of stakeholders for charging policy and other issues (in matters under responsibility of management body of the port)
- Article 16 – National procedures and authorities to be designated to handle complaints. Exchange of info between MS.
- Article 21 – port service contracts of limited duration concluded before 15/02/2017 not affected. Unlimited must comply by 1/07/2025

Key Dates

Article	WHAT?	WHO?	BY WHEN?
22	Entry into force	All	24 March 2017
22	Application	All	24 March 2019
1.5	Non-application to ports of outermost regions	Member States	Upon MS decision
6.7	Limitations of service providers for small ports	Member States	Upon MS decision
7.3	Public Service Obligation in all maritime ports	Member States	Upon MS decision
10.2	Inclusion of pilotage in Chapter I	Member States	Upon MS decision
11.8	Limited separation of account for small ports	Member States	In advance of decision
16.7	Mechanisms and designation of authorities to handle complaint	Member States	24 March 2019 + update as necessary
16.7	Publication of list of authorities by Commission	Commission	Upon receipt of relevant info from MS+ update as necessary
17	Information on other relevant authorities – Art 11, Art 12, Art 13	Member States	24 March 2019 + update as necessary
17	Publication of list of other authorities by Commission	Commission	Upon receipt of relevant info from MS + update as necessary
19	Rules on penalties	Member States	24 March 2019 + update as necessary
20	Report on effect of Regulation	Commission	24 March 2023
21	Amendment of existing contracts with no time limit	Member States	1 July 2025



Next steps

- Implementation
- Legal clarifications, if needed
- Exchange of information between Member States
- Monitoring

=> European Ports Forum



Thank you for your attention

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