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To:	Delegations
No. prev. doc.:	14652/14 TRANS 487 MAR 162 FIN 775 CODEC 2075
No. Cion doc.:	10154/13 TRANS 272 MAR 62 FIN 300 CODEC 1234
Subject:	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

In view of the Shipping Working Party meeting on 10 May 2016, delegations will find attached an updated version of the four-column table.

The use of the word "agreed" in this document is subject to confirmation by the Council preparatory bodies as well as a final balanced agreement on all issues.

General scrutiny and language reservation: all delegations.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
1		Amendment 1 Title		C	
2	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 of the European Parliament and of the Council establishing a framework for the organisation of port services and for financial transparency of ports	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		
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		<i>Same wording all three institutions</i>
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100 (2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		<i>Same wording all three institutions</i>
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,		<i>Same wording all three institutions</i>
6	After transmission of the draft legislative act to the national Parliaments,		After transmission of the draft legislative act to the national parliaments ¹ ,		<i>Same wording all three institutions; minor editorial in GA.</i>

¹ In the third column (Council general approach, 'GA'): substantial changes to the Commission proposal are indicated in ***bold italics*** (added text) or ***[...]*** (deleted text); purely editorial changes to the Commission proposal are indicated in *italics* (added text) or *[...]* (deleted text).

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
7	Having regard to the opinion of the European Economic and Social Committee ¹ , _____		Having regard to the opinion of the European Economic and Social Committee ¹ , _____		<i>GA: Editorial changes only.</i>
	¹ OJ C [...], [...], p. [...].		¹ OJ C 327, 12.11.2013, p. 111.		
8	Having regard to the opinion of the Committee of the Regions ² , _____		Having regard to the opinion of the Committee of the Regions ² , _____		<i>GA: Editorial changes only.</i>
	² OJ C [...], [...], p. [...].		² OJ C 114, 15.4.2014, p. 57.		
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,		<i>Same wording all three institutions</i>
10	Whereas:		Whereas:		<i>Same wording all three institutions</i>
11	(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.		(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.		<i>Same wording all three institutions</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
12		Amendment 2 Recital 1a (new)			
13		<i>(1a) Ports are able to contribute to the long-term competitiveness of European industries in world markets while adding value and jobs in all Union coastal regions. In order to address the challenges facing the maritime transport sector, such as 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' on administrative simplification be implemented in tandem with this Regulation. The complexity of administrative procedures for customs clearance, resulting in delays at ports, represents a major obstacle to the competitiveness of short sea shipping and the efficiency of Union ports.</i>			
14	(2) In the Communication on the Single Market Act II Together for new growth ³ , the Commission has recalled that the attractiveness of maritime transport is dependent on the availability efficiency and		(2) In the Communication on the Single Market Act II Together for new growth ³ , the Commission has recalled that the attractiveness of maritime transport is dependent on the availability efficiency and		<i>Same wording all three institutions; minor editorial in GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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. _____ ³ COM(2012) 573 final (3.10.2012)		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. _____ ³ COM(2012) 573 final (3.10.2012).		
15	(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.		(3) Facilitating access to the port services market [...] and introducing financial transparency and autonomy of <i>maritime</i> ports will improve the quality and efficiency of service provided to <i>port</i> users [...] 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.		<i>Same wording all three institutions; minor editorial in GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
16		Amendment 3 Recital 3a (new)			
17		<i>(3a) 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 to reduce customs formalities which might seriously harm the Union's financial interests, port authorities should adopt a proper and effective risk-based policy approach in order to avoid the distortion of competition. Member States and the Commission should effectively monitor these procedures on a regular basis, and the Commission should evaluate whether it is necessary to take appropriate measures to tackle unfair competition.</i>			<i>Merged with EP recital 1a. See line 13.</i>
18			<i>(3a) The establishment of a clear framework of transparent, fair and non-discriminatory provisions relating to funding and charging of port infrastructures and port services plays a fundamental role in ensuring that national port policies, as well as individual</i>		

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			<i>ports' commercial strategy, fully comply with competition rules. In particular, the transparency of financial relations will allow a fair and effective control of State aid, hence preventing market distortion. To that end, as recorded in the Council conclusions of 5 June 2014, the Commission is called upon to adopt State aid guidelines for maritime ports, with the aim of ensuring fair competition and a stable legal framework for port investment.</i>		
19		Amendment 4 Recital 4			
20	(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	(4) The overwhelming majority of Union maritime traffic transits through the <i>maritime ports</i> 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 <i>only</i> apply to the <i>maritime ports</i> 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	(4) The overwhelming majority of Union maritime traffic transits through the <i>maritime ports</i> 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 <i>plays</i> a significant role for the European transport system either because it handles more than 0.1% of the total EU freight		<i>Almost identical to GA.</i> PCY proposes to accept EP amendment with GA editorial changes.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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.	total EU freight or the total number of passengers or because it improves the regional accessibility of island or peripheral areas [...]. However, this Regulation should give Member States the possibility to decide whether or not to apply this Regulation to maritime ports of the comprehensive trans-European transport network located in the outermost regions. Member States should also have the possibility of introducing derogations in order to avoid disproportionate administrative burdens for those maritime ports of the comprehensive trans-European transport network the annual traffic of which does not justify the full application of this Regulation. 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 the total number of passengers or because it improves the regional accessibility of island or peripheral areas [...]. However, this Regulation should leave Member States the possibility to decide not to apply this Regulation to maritime ports of the comprehensive trans-European transport network located in the outermost regions or to introduce derogations aiming to avoid disproportionate administrative burdens for those maritime ports of the comprehensive trans-European transport network whose annual traffic does not justify the full application of this Regulation. Deep sea pilotage services [...] do not have a direct impact on the efficiency of ports as they are not used for the direct entry and exit of ports and therefore do not need to be included in this Regulation.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
21		Amendment 5 Recital 4a (new)			
22		<i>(4a) This Regulation does not impose a specific port management model to the managing bodies of ports. Provided that rules relating to market access and financial transparency are respected, existing port management models established at national level in the Member States can be maintained in accordance with Protocol No. 26 to the Treaty on the Functioning of the European Union.</i>			
23		Amendment 6 Recital 5			
24	(5) The objective of Article 56 of the Treaty on the Functioning of the European Union is to eliminate restrictions on freedom to provide services in the Union. In accordance with Article 58 of the Treaty on the Functioning of the European Union should be achieved within the framework of the provisions of the Title relating to transport, more specifically Article 100 (2).	<i>deleted</i>	(5) The objective of Article 56 of the Treaty on the Functioning of the European Union (TFEU) is to eliminate restrictions on freedom to provide services in the Union. In accordance with Article 58 of the TFEU, <i>that objective</i> should be achieved within the framework of the provisions of the Title relating to transport, more specifically Article 100(2) TFEU.		<i>GA: minor editorial.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
25		Amendment 7 Recital 6			
26	(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.	<i>deleted</i>	(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 <i>those</i> 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 <i>or not</i> the self-provision of port services [...]. Therefore, this Regulation should only cover the provision of port services for remuneration.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
27		Amendment 8 Recital 7			
28	(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.	(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, <i>the equipment needed in order to provide the relevant port service, the availability of the service and the compliance with maritime safety requirements. These minimum requirements should also take into account environmental requirements as well as national social standards and the good repute of the port service provider.</i>	(7) In the interest of efficient, safe and environmentally sound port management, the managing body of the port <i>or the competent authority</i> should be able to require that [...] providers of port services can demonstrate that they meet minimum requirements to perform the service in an appropriate way. <i>Those</i> minimum requirements should be limited to a clearly defined set of conditions [...] <i>in so far as those</i> requirements are transparent, <i>objective</i> , non-discriminatory, <i>proportionate</i> , and relevant for the provision of the port service. <i>The minimum requirements should not be used to introduce market barriers.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
29		Amendment 9 Recital 7a (new)			
30		<i>(7a) All service providers, and especially those that are new market entrants, should demonstrate their ability to serve a minimum number of vessels with their own staff and equipment. Service providers should apply the relevant provisions and rules including applicable labour laws, applicable collective agreements, and quality requirements of the port concerned.</i>			
31		Amendment 10 Recital 7b (new)			
32		<i>(7b) In determining whether a service provider has satisfied the requirement of good repute, the Member State should consider whether there are compelling grounds to doubt the good repute of the provider of port services, its manager, and any other relevant persons as may be determined by Member State, such as convictions or penalties in any Member States for serious offences or infringement of the applicable Union and national</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>law, including in the following fields: social law, labour law, occupational safety law, health law and environmental law.</i>			
33		Amendment 11 Recital 7c (new)			
34		<i>(7c) In accordance with Council Regulation (EEC)No 3577/92^{1a} and the judgment of the Court of Justice of 11 January 2007 in Case C-251/04, Commission v Hellenic Republic^{1b}, according to which it cannot be inferred that towage can be assimilated to maritime transport service, it is possible for reasons of maritime safety and the protection of the environment for minimum requirements to stipulate that the vessels used for towage or mooring operations be registered in, and fly the flag of the Member State of the port concerned.</i> _____ ^{1a} <i>Council Regulation (EEC)No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)(OJ L 364,</i>			

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		<i>12.12.1992, p. 7).</i> <i>^{1b} Judgment of the Court of Justice of 11 January 2007 in Case C-251/04, Commission v Hellenic Republic, C-251/04, ECLI:EU:C:2007:5.</i>			
35	(8) Having the necessary equipment at his disposal should imply that the provider of the port service owns, rents or leases it and that in any case it has a direct and indisputable control of the equipment, in order to ensure that it can use such equipment whenever needed.		(8) [...]		
36	(9) The procedure to grant with the right to provide port services when compliance with minimum requirements is required should be transparent, objective and non-discriminatory and should allow the providers of port services to start the provision of their port services in a timely manner.		(9) The procedure to grant [...] the right to provide port services when compliance with minimum requirements is required should be transparent, objective, non-discriminatory and proportionate and should allow the providers of port services to start the provision of their port services in a timely manner.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
37		Amendment 12 Recital 10			
38	(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 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.	<i>deleted</i>	(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 <i>waterside space, the characteristics of the traffic or the need to ensure safe, secure or environmentally sustainable port operations.</i>		
39		Amendment 13 Recital 10a (new)			
40		<i>(10a) The Union's port system is highly diverse and includes many different models for the organisation of port services. Accordingly, a single system would not be appropriate. The managing body of the port or the competent authority should be able to limit the number of providers of a port service, if circumstances so require.</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
41			<i>(10a) A limitation of the number of providers of port services should be allowed when the financial compensation for the public service obligation leads to a clear disadvantage to the competitiveness of the port due to the imposition of disproportionate port charges necessary to cover the financial compensation.</i>		
42			<i>(10b) Article 34 of Directive 2014/25/EU of the European Parliament and of the Council⁴ provides that certain contracts to be carried out shall not be subject to that Directive if the Member State or the contracting entities can demonstrate that, in the Member State in which it is performed, the activity is directly exposed to competition on markets to which access is not restricted. The process for establishing whether this is the case should be that set out in Article 35 of Directive 2014/25/EU. Consequently, if it is established through this procedure that a port sector or subsector, together with its port services is directly exposed to</i>		

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			<i>such competition, it should not be subject to the rules framing the market access limitations under this Regulation.</i> ⁴ <i>Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).</i>		
43		Amendment 14 Recital 11			
44	(11) Any intention to limit the number of port service providers should be published in advance by the competent authority and should be fully justified, in order to give the interested parties the opportunity to comment. The criteria for any limitation should be objective, transparent and non-discriminatory.	(11) Any intention to limit the number of port service providers should be published in advance by <i>the managing body of the port or</i> the competent authority [...]. The criteria for any limitation should be objective, transparent and non-discriminatory.	(11) <i>Except where a competitive market derogation applies, any</i> intention to limit the number of [...] providers of port services should be published in advance by <i>the managing body of the port or</i> the competent authority and should be fully justified, in order to give the interested parties the opportunity to comment. [...]		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
45			<i>(11a) If a managing body of a port or a competent authority provides port services itself or through a legally distinct entity which it directly or indirectly controls after, measures should be taken to avoid conflicts of interest and to ensure a fair and transparent market access to port services when the number of providers of port services is limited. Such measures can be, inter alia, entrusting the adoption of the decision limiting the number of providers of port services to a relevant national authority which is independent from the managing body of the port or the competent authority.</i>		
46			<i>(11b) The possibility left to impose minimum requirements and limit the number of providers of port services should not prevent Member States from ensuring an unrestricted freedom to provide services in their ports.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
47		Amendment 15 Recital 12			
48	(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 communicated to interested parties.	(12) [...] <i>The</i> procedure to <i>choose</i> providers of port services and its result should be made public and <i>should be non-discriminatory, transparent, and open to all</i> interested parties.	(12) [...] The procedure to <i>choose</i> providers of port services and its result should be made public and <i>should be non-discriminatory, transparent and open to all</i> interested parties.		<i>Identical to GA.</i>
49		Amendment 16 Recital 13			
50	(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] ⁴ , 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. _____	<i>deleted</i>	(13) [...]		<i>Identical to GA.</i>
	⁴ Proposal for a Directive on the award of concession contracts (COM 2011) 897 final				

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
51		Amendment 17 Recital 13a (new)			
52		<i>(13a) In its interpretative communication of 1 August 2006 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives (2006/C 179/02), the Commission has provided a clear framework for the selection procedures which fall outside the scope of the Public Procurement Directives and are not awarded in the form of concessions.</i>			
53		Amendment 18 Recital 14			
54	(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.	(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, the affordability of the port service to a certain category of users, or safe, secure or environmentally sustainable port operations.	(14) The recourse to public service obligations leading to a limitation in the number of providers of [...] port services 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, the affordability of the port service to certain category of users, the safety, security or environmental sustainability of port operations and territorial cohesion.		<i>Almost identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
55			<i>(14a) While public service obligations are defined and designated by national authorities, a general obligation set by national or European legislation for a port to accept any vessel physically capable of entering and mooring without discrimination or hindrance should not be understood to be a public service obligation for the purposes of this Regulation.</i>		
56	(15) Where there is a need to limit the number of port service providers, the decision on that limitation may be entrusted by the Member state to a different authority in order to safeguard competition. Any limitation in the number of providers of port services should follow a procedure which is open, transparent and non-discriminatory. This should however not be the case when public service obligations are to be entrusted directly to a competent authority or an internal operator.		(15) [...]]		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
57	(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 interest ⁵ , 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 <i>de minimis</i> aid granted to undertakings providing services of general economic interest ⁶ and the European Union framework for State aid in the form of public service compensation ⁷ . _____		(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 <i>services of general economic interest</i> , compliance should be ensured with Commission Decision of 20 December 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 ⁵ , Commission Regulation (EU) No 360/2012 ⁶ [...] and the European Union framework for State aid in the form of public service compensation ⁷ . _____ ⁵ OJ L 7, 11.1.2012, p. 3. ⁶ <i>Commission Regulation (EU) No 360/2012 of 25 April 2012 on the</i>		<i>Same wording all three institutions; minor editorial in GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	⁵ OJ L 7, 11.1.2012, p. 3. ⁶ OJ L 114, 26.4.2012, p.8. ⁷ OJ C 8, 11.01.2012		<i>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 (OJ L 114, 26.4.2012, p. 8).</i> ⁷ OJ C 8, 11.1.2012, p. 15.		
58	(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.		(17) <i>Where there are multiple providers of port services, the managing body of the port or the competent authority</i> should not discriminate between providers of port services, in particular in favour of an undertaking or a body in which it holds an interest.		
59		Amendment 19 Recital 18			
60	(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	(18) <i>The managing body of the port or the</i> competent authorities designated in a Member State should have the choice to decide to provide port services [...] 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	(18) <i>A managing body of a port or a competent authority</i> should have the choice to decide to provide port services <i>itself</i> or to entrust [...] the provision of such services <i>directly</i> to an internal operator. In the case that <i>a managing body of a port or a</i> competent authority decides to provide the service itself, this may cover the provision of services through agents employed or		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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.	agents employed by the competent authority or commissioned by the competent authority. When such limitation is applied in all the TEN-T <i>maritime ports</i> in the territory of a Member State, the Commission should be informed. In the cases where the competent authorities in a Member State <i>provide a port service under public service obligations</i> , 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 <i>supervision</i> .	commissioned by <i>the managing body of a port</i> or the competent authority. When <i>a</i> limitation of <i>the number of providers of port services exists</i> , 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, <i>except where a competitive market derogation applies. [...]</i>		
61		Amendment 20 Recital 19			
62	(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	(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 <i>should</i> not affect the application of the social and labour rules of the Member States <i>and should take into account Article 28 of</i>	(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 <i>should</i> not affect the application of the social and labour rules of the Member States. In cases of limitation of the number of [...]		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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 businesses⁸. _____ ⁸ OJ L 82, 22.3.2001, p. 16.	<i>the Charter of Fundamental Rights of the European Union.</i> <i>[...]Where</i> the conclusion of a port service contract may entail a change of port service operator, <i>the competent authority should, in case of transfer of staff, require</i> 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. _____ ⁸ OJ L 82, 22.3.2001, p. 16.	providers of port services, 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 [...]⁸. _____ ⁸ Council Directive 2001/23/EC of 12 March 2001 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 businesses (OJ L 82, 22.3.2001, p. 16).		
63		Amendment 21 Recital 19a (new)			
64		<i>(19a) In a highly complex and competitive sector, such as port services, training of new recruits and the lifelong training of staff are essential for ensuring port workers' health and safety, the quality of services and the competitiveness of Union ports. Member States should take the</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>necessary measures to ensure relevant training is provided for every worker in the port sector. The EU-level Sectoral Social Dialogue Committee for Ports should be in a position to develop guidelines for the establishment of training requirements to ensure a high quality of education and training of port workers, to minimise the risk of accidents and to take account of the future needs of the sector in light of technological and logistical changes imposed by customers' demands.</i>			
65		Amendment 22 Recital 19b (new)			
66		<i>(19b) The European port sector is facing a number of challenges that are capable of having an impact both on its competitiveness and on its social dimension. Those challenges include the following: the increasing size of vessels, the competition from non-Union ports, increasing market power as a result of alliances between shipping lines, the need to negotiate, in a timely fashion, new working patterns and to</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>provide adequate training for technological innovation, as well as to minimise its social impact, the growing volumes which are more and more clustered, the lack of adequate investments on hinterland infrastructures, the removal of administrative barriers to the internal market, the changing energy landscape and growing societal and environmental pressure. Member States, together with the social partners, should address these challenges and take measures with the aim of safeguarding both the competitiveness of the sector and of preventing precarious working conditions in ports, despite the fluctuations in demand for port labour.</i>			
67		Amendment 23 Recital 19c (new)			
68		<i>(19c) All models for the organisation of port labour that secure quality jobs and safe working conditions should be supported by the Commission and the Member States. Any necessary adjustments should only be promoted through negotiations between the social</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>partners, and the Commission should duly take into account the results of such negotiations.</i>			
69		Amendment 24 Recital 19d (new)			
70		<i>(19d) Automation and technological innovation offer the opportunity to improve efficiency and safety of ports. Before introducing significant changes, employers and port workers' unions should cooperate in order to guarantee the necessary training and re-training and to find shared solutions to reduce the negative effects of such progress on occupational health and safety and on employability.</i>			
71			<i>(19a) While this Regulation provides that the managing body of the port or the competent authority may require that the rights under Directive 2001/23/EC be granted to staff previously taken on by the outgoing provider, these rights should remain optional and there is no obligation imposed on Member States with regard to such cases.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
72		Amendment 25 Recital 20			
73	(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.	(20) [...] Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services [...]. For [...] types of contracts, <i>other than public concession contracts</i>, 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.	(20) In many ports, the market access for providers of cargo-handling and terminal passenger services is granted by means of public [...] contracts. [...] 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. <i>Therefore, Member States should remain free to decide to apply the rules of Chapter II to these two services or to keep their existing national legislation on market access with regard to cargo handling and passenger services while respecting the main principles in the case-law of the Court of Justice of the European Union.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
74		Amendment 26 Recital 20a (new)			
75		<i>(20a) According to Resolution A.960 of the International Maritime Organization (IMO), each pilotage area needs highly specialised experience and local knowledge on the part of the pilot. Given that the IMO recognises the appropriateness of regional or local administration of pilotage, pilotage should not be subject to Chapter II of this Regulation.</i>	<i>(20a) Recognising that pilotage is a particular service due to reasons such as safety and public service considerations, Member States should remain free to decide not to apply Chapter II to pilotage through national derogations, provided that the Commission is informed accordingly.</i>		
76			<i>(20b) Without prejudice to EU competition rules, this Regulation should not interfere with the right of Member States, where applicable, to regulate charges in order to avoid over-charging of port services, in cases where the situation of the market of port services is such, that effective competition cannot be achieved.</i>		
77	(21) Financial relations between seaports which receive public funds and providers of port services on the one hand, and public authorities on the other should be made transparent in order to ensure a level playing		(21) Financial relations between maritime ports in receipt of public funds and providers of port services on the one hand, and public authorities on the other should be made transparent in order to ensure a level playing		<i>Same wording all three institutions; minor editorial in GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	field and to avoid market distortions. In this respect, this Regulation extends to other categories of addressees the principles of transparency of financial relations as set out in Commission Directive 2006/111/EC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings⁹ without prejudice to its scope. _____ ⁹ OJ L 318, 17.11.2006, p.17.		field and to avoid market distortions. In this respect, this Regulation extends to other categories of addressees the principles of transparency of financial relations as set out in Commission Directive 2006/111/EC [...] ⁹ without prejudice to <i>the scope of that Directive</i>. _____ ⁹ <i>Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (OJ L 318, 17.11.2006, p.17).</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
78		Amendment 27 Recital 21a (new)			
79		<i>(21a) The Connecting Europe Facility provides that ports in the Trans-European Transport Network are able to benefit from Union subsidies during the ongoing 2014-2020 period. Furthermore, the Commission intends to set up a revised framework on state aid to ports and, given that Directive 2014/23/EU of the European Parliament and of the Council^{1a} also establishes a new legislative framework for concession contracts 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.</i> _____ ^{1a} Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p.			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>1).</i>			
80		Amendment 28 Recital 22			
81	(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.	(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 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.	(22) It is necessary to impose on the managing body of the port <i>in receipt of</i> public funds, when it is also acting as a service provider, an obligation to keep separate accounts for activities carried out in <i>its</i> 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 State aid rules should be ensured.		Acceptable (add to GA text).
82		Amendment 29 Recital 22a (new)			
83		<i>(22a) Maritime ports with a turnover below the threshold provided for in Commission Directive 2006/111/EC should meet the transparency obligations contained in Article 12 of this Regulation in a proportionate way, without being subjected to a disproportionate administrative burden.</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
84		Amendment 30 Recital 22b (new)			
85		<i>(22b) With a view to ensuring fair competition and to reducing administrative burdens, the Commission should, in writing, clarify the notion of State aid with regard to the financing of port infrastructures, taking into consideration the fact that public access and defence infrastructure, whether maritime or on land , which is accessible to all potential users on equal and non-discriminatory terms, and infrastructure that is linked to the operation of Services of General non-economic Interest, have a non-economic nature since their goals are predominantly public in nature; such infrastructures fall within the State's responsibility to meet the general needs of the population.</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
86		Amendment 31 Recital 22c (new)			
87		<i>(22c) Moreover, the Commission should, in a timely manner and in consultation with the sector, identify which public investments in port infrastructure fall within the scope of Commission Regulation (EU) No 651/2014 (General Block Exemption Regulation)^{1a}.</i> <i>^{1a} Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).</i>			
88			<i>(22a) With a view to ensuring transparency, when a port or another entity provides dredging within a port area, the accounts of dredging should be kept separate from the accounts of other activities.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
89		Amendment 32 Recital 23			
90	(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.	(23) Port service charges applied by providers of port services 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. [...] 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.	(23) Port service charges applied by providers of port services <i>under public service obligations</i> which are not designated in accordance with an open, transparent and non-discriminatory procedure <i>may</i> entail a higher risk of price abuse <i>in cases where monopoly power exists.</i> [...] For those services, [...] arrangements should be established to ensure that the charges <i>are set in a transparent, objective and non-discriminatory way and shall be proportionate to the cost of the service provided.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
91		Amendment 33 Recital 24			
92	(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.	(24) <i>The role of the managing body of the port is, inter alia, to facilitate trade and to act as an intermediary between regional industry and transport operators. Therefore, in the interest of efficiency,</i> 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.	(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 <i>national ports policy and/or</i> that port's own commercial and investment strategy.		
93			<i>(24a) This Regulation should not interfere with the rights, where applicable, of the ports and their customers to agree commercially confidential discounts. This Regulation is not intended to require the disclosure to the public or to third parties of any such discounts. However, the managing body of the port or the competent authority should at least publish standard charges before any price differentiation.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
94		Amendment 34 Recital 25			
95	(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 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.	(25) The variation of port infrastructure charges <i>is an important tool for the managing body of the port and</i> should be allowed. <i>Port infrastructure charges may vary, for example,</i> in order to promote short sea shipping and to attract waterborne vessels 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 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.	(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 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.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
96			<i>(25a) The variation of port infrastructure charges may result in rates being set at zero for certain categories of users, depending on the national port policy, the economic strategy of the port, port spatial planning policy or port commercial practices. Such categories of users could include, among others, hospital ships, vessels in scientific, cultural or humanitarian missions, tugs and floating service equipment of the port.</i>		
97			<i>(25b) The Commission, in cooperation with Member States, should elaborate guidance on common classification criteria for vessels for the purpose of voluntary environmental charging, taking into account internationally agreed standards.</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
98		Amendment 35 Recital 26			
99	(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.	(26) [...] <i>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. The managing body of the port should engage private investors, who make large significant investments in ports, in sustainable consultation regarding port development plans.</i>	(26) [...] The managing <i>body</i> of the <i>port</i> should [...] consult, when appropriate, port users and other stakeholders on key issues related to the sound development of the port, its charging policy , 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 as well as environmental issues. This is without prejudice to any other specific competence on the aforesaid issues, as well as to the possibility for Member States to hold such consultations also at a national level.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
100		Amendment 36 Recital 27			
101	(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 <i>that an independent complaints mechanism is in place, one or more bodies providing independent supervision should be designated by each Member State. It should be possible for already existing bodies, such as competition authorities, courts, ministries or departments within ministries not linked to the managing body of the port, to be designated for this purpose.</i>	(27) In order to ensure the proper and effective application of this Regulation <i>every Member State should ensure that an effective mechanism is in place to handle complaints.</i>		
102		Amendment 37 Recital 28			
103	(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) <i>In cases concerning cross-border disputes and complaints, the different bodies providing independent supervision should cooperate with each other and exchange information on their work [...].</i>	(28) <i>Member States</i> should exchange information on their work and cooperate in order to <i>facilitate</i> a uniform application of this Regulation.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
104		Amendment 38 Recital 28a (new)			
105		<i>(28a) Port labour relations have a large influence on the functioning of the ports. The EU-level Sectoral Social Dialogue Committee for Ports therefore gives the social partners a framework to establish results regarding work organisation and working conditions, such as health and safety, training and qualifications, Union policy on low sulphur fuels, and the attractiveness of the sector to young workers and female workers.</i>			<i>See proposed compromise line 64.</i>
106		Amendment 39 Recital 29			
107	(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	<i>deleted</i>	(29) [...]]		<i>Identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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.				
108		Amendment 40 Recital 30			
109	(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 <i>exercised</i> in accordance with Regulation (EU) No 182/2011 of the	<i>deleted</i>	(30) [...]		<i>Identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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 ¹⁰ . _____				
	¹⁰ OJ L 55, 28.2.2011, p. 13.				
110		Amendment 41 Recital 30a (new)			
111		<i>(30a) The Commission is invited to submit a legislative proposal concerning Pilotage Exemption Certificates (PECs) in order to encourage their use in all Member States so as to improve efficiency in ports, and in particular to stimulate short sea shipping, where safety conditions allow it. The specific requirements on the basis of which PECs are to be issued should be defined by the Member States after a risk assessment and should take into account local conditions. The requirements should be transparent, non-discriminatory and proportionate.</i>			

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
112		Amendment 42 Recital 31			
113	(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 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.	(31) Since the objectives of this Regulation, namely ensuring <i>a framework for the organisation</i> of port services and the appropriate framework to attract necessary investments in all the <i>maritime</i> 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 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. <i>Union ports should be protected against third countries ports which are not subject to the same organisation and operation</i>	(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 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.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>criteria of this Regulation.</i>			
114		Amendment 43 Recital 31a (new)			
115		<i>(31a) Port labour relations have a significant influence on the activities and functioning of the ports. Therefore the EU-level Sectoral Social Dialogue Committee for Ports should be able to provide the Union social partners with a framework for the possible adoption of common results regarding social issues related to port labour relations. The Commission should, where necessary, facilitate and support the negotiations, as well as provide technical assistance to them, while respecting the autonomy of the social partners. The Union social partners should have the possibility to report on any progress made, if they so wish, to enable that the Commission to take into account their outcomes when reporting on the effects of this Regulation.</i>			<i>See proposed compromise line 64.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
116	(32) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.		(32) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,		
117	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
118	CHAPTER I – Subject matter, scope and definitions		CHAPTER I – Subject matter, scope and definitions		
119	Article 1 Subject matter and scope		Article 1 Subject matter and scope		
120	1. This Regulation establishes:		1.This Regulation establishes:		
121		Amendment 44 Article 1 – paragraph 1 – point a			
122	(a) a clear framework for access to the market of port services;	(a) a clear framework for <i>the organisation</i> of port services;	(a) a [...] framework for <i>market</i> access [...] to port services;	C	(a) a [...] framework for <i>the organisation of and market</i> access [...] to port services
123		Amendment 45 Article 1 – paragraph 1 – point b			
124	(b) common rules on the financial transparency and charges to be applied by managing bodies or providers of port services.	(b) common rules on the financial transparency and charges to be applied by managing bodies or providers of port services <i>covered by this Regulation.</i>	(b) common rules on [...] financial transparency and <i>on port service and port infrastructure</i> charges [...].	B	EP to confirm it can accept.
125	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.		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 <i>port:</i>		<i>Same wording</i>
126	(a) bunkering		(a) bunkering;		<i>Same wording</i>
127	(b) cargo handling;		(b) cargo handling;		<i>Same wording</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
128		Amendment 46 Article 1 – paragraph 2 – point c			
129	(c) dredging;	(c) [...]	(c) [...]	A	"Agreed"
130	(d) mooring;		(d) mooring;		<i>Same wording</i>
131	(e) passenger services;		(e) passenger services;		<i>Same wording</i>
132	(f) port reception facilities;		(f) <i>collection of ship-generated waste and cargo residues;</i>	A	"Agreed" (GA text)
133	(g) pilotage and;		(g) pilotage; and		<i>Same wording</i>
134	(h) towage.		(h) towage.		<i>Same wording</i>
135		Amendment 47 Article 1 – paragraph 2 – subparagraph 2a (new)			
136		<i>2a. In addition, Article 12(2) of this Regulation shall also apply to dredging.</i>	<i>2a. Article 12(2) shall also apply to dredging.</i>	A	"Agreed" (GA text)
137		Amendment 48 Article 1 – paragraph 3			
138	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 Regulation shall apply to all <i>maritime</i> ports of the trans-European transport network, <i>listed</i> in Annex <i>II</i> of Regulation (EU) <i>No 1315/2013 of the European Parliament and the Council</i> ^{1a} . ^{1a} <i>Regulation (EU) No 1315/2013 of the European Parliament and</i>	3. This Regulation shall apply to all <i>maritime</i> ports of the trans-European transport network, as <i>listed</i> in Annex <i>II</i> of Regulation (EU) <i>No 1315/2013 of the European Parliament and of the Council</i> ¹⁰ .	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).</i>	<i>¹⁰ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).</i>		
139		Amendment 49 Article 1 – paragraph 3a (new)			
140		<i>3a. This Regulation is without prejudice to any port structure which respects the principles referred to in paragraphs 1(a) and 1(b).</i>		B	<u>Recital:</u> This Regulation should in no way prejudice the rules in Member States governing the ownership of ports. <i>Taken from Art. 345 TFEU</i>
141		Amendment 50 Article 1 – paragraph 3b (new)			
142		<i>3b. Member States may decide not to apply this Regulation to maritime ports of the comprehensive trans-European transport network located in the outermost regions as referred to in Article 349 TFEU. When Member States decide not to apply this Regulation to such maritime ports, they shall notify that decision to the Commission.</i>	<i>3a. Member States may decide not to apply this Regulation to maritime ports of the comprehensive network located in the outermost regions as referred to in Article 349 TFEU. When Member States decide not to apply this Regulation to such maritime ports, they shall notify their decision to the Commission.</i>	A	"Agreed" (EP text) <i>Content identical to GA (EP version clearer).</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
143	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.		4. Member States may also apply this Regulation to other <i>maritime</i> ports. When Member States decide to apply this Regulation to other <i>maritime</i> ports they shall notify their <i>decision</i> to the Commission.	A	"Agreed" (GA text)
144	Article 2 Definitions		Article 2 Definitions		
145	For the purpose of this Regulation:		For the purposes of this Regulation:		
146	1. "bunkering" means the provision of solid, liquid or gaseous fuel or any other energy source used for the propulsion of the waterborne vessel as well as for general and specific energy provision on board of the waterborne vessel whilst at berth;		1. "bunkering" means the provision of solid, liquid or gaseous fuel or any other energy source used for the propulsion of the waterborne vessel as well as for general and specific energy provision on board of the waterborne vessel whilst at berth;		<i>Same wording</i>
147		Amendment 51 Article 2 – paragraph 1 – point 2			
148	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	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, <i>lashing, unlashi</i> <i>ng, stowing</i> , transporting and temporary storage of the cargo on	2. "cargo handling [...]" 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	B	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, <i>such as lashing, unlashi</i> <i>ng and stowing</i> , transporting and temporary storage of the cargo on the relevant cargo handling terminal and directly related to

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	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;	the relevant cargo handling terminal and directly related to the transporting of the cargo, but excluding <i>unless the Member State determines otherwise</i> , warehousing, stripping, repackaging or any other value added services related to the handled cargo;	terminal and directly related to the transporting of the cargo, but excluding, <i>unless otherwise determined by Member States</i> , warehousing, stripping, repackaging or any other value added services related to the handled cargo;		the transporting of the cargo, but excluding unless the Member State determines otherwise, warehousing, stripping, repackaging or any other value added services related to the handled cargo;
149		Amendment 52 Article 2 – paragraph 1 – point 2a (new)			
150		<i>2a. ‘competent authority’ means any public or private body which, on behalf of a local, regional or national level, is entitled to carry out under national law or instruments activities related to the organisation and management of port activities, in conjunction with or alternatively to the managing body of the port;</i>	<i>2a. "competent authority" means any public or private body which, on behalf of a regional or national level, is entitled to carry out under national law or instruments activities related to the organisation and supervision of port activities, in conjunction with or alternatively to the managing body of the port;</i>	B	2a. "competent authority" means any public or private body which, on behalf of a local , regional or national level, is entitled to carry out under national law or instruments activities related to the organisation and oversight of port activities, in conjunction with or alternatively to the managing body of the port;
151		Amendment 53 Article 2 – paragraph 1 – point 3			
152	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	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	3. "dredging" means the removal of sand, sediment or other substances from the bottom <i>within the port area which falls into the legal competence of the managing body of the port, including the disposal of the</i>	B	3. "dredging" means the removal of sand, sediment or other substances from the bottom of the waterway access to the port or within the port area, including the disposal of the removed materials, in order to allow waterborne vessel to have access to the port and comprises both the initial

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	(capital dredging) and the maintenance dredging in order to keep the waterway accessible;	(capital dredging) and the maintenance dredging in order to keep the waterway accessible <i>and is not a port service offered to the user</i> ;	<i>removed materials</i> , 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;		removal (capital dredging) and the maintenance dredging in order to keep the waterway accessible;
153	4. "essential port facility" means a facility of which the access is indispensable to perform a port service and which cannot be replicated under normal market conditions;		4. [...]	A	"Agreed" (GA text)
154		Amendment 54 Article 2 – paragraph 1 – point 5			
155	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;	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 <i>authorised by</i> national law or instruments the administration and management of the port infrastructures <i>and, where appropriate</i> , the coordination <i>carrying-out, organisation or</i> control of the activities of the operators present in the port concerned, <i>the administration of and management of port traffic and the development of the port area</i> ;	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 <i>or is empowered by such law or instruments to carry out, at a local level</i> , 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;	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
156		Amendment 55 Article 2 – paragraph 1 – point 6			
157	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 <i>safe</i> berthing, un-berthing <i>and shifting</i> services required for a waterborne vessel [...];	6. "mooring" means the berthing and un-berthing services required for a waterborne vessel <i>operated in</i> the port or in the <i>waterway</i> access to the port;	B	6. "mooring" means the berthing, un-berthing and shifting services required for a waterborne vessel operated in the port or in the waterway access to the port;
158	7. "passenger services" means the organisation and handling of passengers between the carrying waterborne vessel and the shore and also includes the processing of personal data and transporting the passengers inside the relevant passenger terminal;		7. "passenger services" means the organisation and handling of passengers, <i>their luggage and their private vehicles</i> between the carrying waterborne vessel and the shore and also includes the processing of personal data and transporting the passengers inside the relevant passenger terminal;	A	"Agreed" (GA text) <i>More correct: "passenger vehicles"</i>
159		Amendment 56 Article 2 – paragraph 1 – point 8			
160	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;	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 <i>or safe navigation within</i> the port;	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 <i>waterborne</i> vessel in the <i>waterway</i> access to the port <i>or safe navigation within the port</i> ;	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
161		Amendment 57 Article 2 – paragraph 1 – point 9			
162	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;	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 that allow vessels entry and exit in and out of the port, including the waterways giving access to the port, if such waterways fall within the legal competence of the managing body of the port , as well as access to the processing of passengers and cargo, but excluding land lease rates and charges having equivalent effect ;	9. "port infrastructure charge" means a charge levied for the direct or indirect benefit of the managing body of the port or the competent authority for the use of facilities and services [...], including the waterways giving access to those ports, as well as for access to the processing of passengers and cargo, but excluding land lease rates and charges having equivalent effect ;	B	9. "port infrastructure charge" means a charge levied for the direct or indirect benefit of the managing body of the port, or the competent authority, for the use of infrastructure , facilities and services [...], including the waterways giving access to those ports, as well as for access to the processing of passengers and cargo, but excluding land lease rates and charges having equivalent effect; <i>NB: "if such waterways etc." is already covered by definition in line 175</i>
163	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 residues ¹¹ ;		10. "collection of ship-generated waste and cargo residues" means the receipt into 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 [...] ¹¹ ;	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	_____ ¹¹ OJ L 332, 28.12.2000, p.81-90.		¹¹ <i>Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).</i>		
164	11. "port service charge" means a fee collected for the benefit of the provider of port services and paid by the users of the relevant service;		11. "port service charge" means a charge levied for the benefit of the provider of port services and paid by the users of the relevant service;	A	"Agreed" (GA text)
165		Amendment 58 Article 2 – paragraph 1 – point 12			
166	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 the managing body of the port or a competent authority whereby that body or authority 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 contract or any other act of equivalent effect between a provider of port <i>services</i> and a managing body of the port or a competent authority having as its subject-matter the provision of one or more port services as defined in Article 1(2), without prejudice to the form of designating providers of port services;	B	12. "port service contract" means a formal and legally binding agreement contract or any other act of equivalent effect between a provider of port services and a managing body of the port, or a competent authority, having as its subject-matter the provision of one or more port services as defined in Article 1(2), without prejudice to the form of designating providers of port services;

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
167	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);		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);		<i>Same wording</i>
168	14. "public service obligation" means a requirement defined or determined in order to ensure the provision of those port services in the general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions;		14. "public service obligation" means a requirement defined or determined in order to ensure the provision of those port services <i>or activities</i> of general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions;	A	"Agreed" (GA text)
169	15. "short sea shipping" means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe;		15. "short sea shipping" means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe;		<i>Same wording</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
170		Amendment 59 Article 2 – paragraph 1 – point 16			
171	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;	16. ' <i>maritime port</i> ' means <i>a delimited</i> area of land and water, <i>managed by the managing body of the port and</i> made up of <i>infrastructures and facilities</i> 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 <i>staff [...]</i> ;	16. " <i>maritime port</i> " means an area of land and water made up of such works and equipment so as to permit, principally, the reception of <i>waterborne vessels</i> , their loading and unloading, the storage of goods, the receipt and delivery of <i>those</i> goods and the embarkation and disembarkation of passengers [...] and any other infrastructure necessary for transport operators within the port area;	B	16. "maritime port" means an area of land and water made up of such infrastructure and equipment so as to permit, principally, the reception of waterborne vessels, their loading and unloading, the storage of goods, the receipt and delivery of those goods and the embarkation and disembarkation of passengers and staff [...] and any other infrastructure necessary for transport operators within the port area;
172		Amendment 60 Article 2 – paragraph 1 – point 17			
173	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;	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 <i>or safe navigation within the port</i> by providing assistance to the manoeuvring of the waterborne vessel;	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 <i>or safe navigation within the port</i> by providing assistance to the manoeuvring of the waterborne vessel;	A	"Agreed" <i>Identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
174		Amendment 61 Article 2 – paragraph 1 – point 18			
175	18. "waterway access to a port" means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords.	18. 'waterway access to a port' means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords, <i>if such a waterway falls within the legal competence of the managing body of the port.</i>	18. "waterway access to a port" means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords, <i>if such waterway falls into the legal competence of the managing body of the port.</i>	A	"Agreed" (GA text) <i>Identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
176		Amendment 62 Chapter II – title		C	
177	CHAPTER II – Market access	CHAPTER II – <i>Organisation of port services</i>	CHAPTER II – Market access		CHAPTER II – Market access
178		Amendment 63 Article 3			
179	Article 3 Freedom to provide services	<i>deleted</i>	Article 3 Freedom to provide services	C	
180	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.	<i>deleted</i>	1. Freedom to provide services in <i>maritime</i> ports covered by this Regulation shall apply to the providers of port services established in the Union under the conditions set out in this Chapter.	C	<i>GA: Editorial changes only.</i>
181	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.	<i>deleted</i>	2. [...] The terms of <i>market</i> access <i>to facilities, installations</i> <i>and equipment of the port</i> shall be fair, reasonable and non- discriminatory.		
182		Amendment 64 Article 3a (new)			
183		<i>Article 3a</i>			
184		<i>Freedom to organise port services</i>		C	
185		<i>1. With regard to this Regulation, the organisation of port services covered by this Chapter may be subject to:</i>		C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
186		<i>(a) minimum requirements to port service providers;</i>		C	
187		<i>(b) limitations of the number of providers;</i>		C	
188		<i>(c) public service obligations;</i>		C	
189		<i>(d) internal operators;</i>		C	
190		<i>(e) free open access to the market of port services.</i>		C	
191		<i>2. When organising port services as foreseen in paragraph 1 the conditions put forward in this Chapter shall be respected.</i>		C	
192	Article 4 Minimum requirements for the provision of port services		Article 4 Minimum requirements for the provision of port services		
193		Amendment 65 Article 4 – paragraph 1			
194	1. The managing body of the port may require that providers of port services comply with minimum requirements to perform the corresponding port service.	1. <i>Without prejudice to the possibility of imposing public service obligations, provided for in Article 8, the managing body of the port or the competent authority</i> may require that providers of port services, <i>including subcontractors</i> , comply with minimum requirements to perform the corresponding port service.	1. The managing body of the port <i>or the competent authority</i> may require that providers of port services comply with minimum requirements to perform the corresponding port service.	B	1. The managing body of the port, or the competent authority, may require that providers of port services, <u>including</u> <u>subcontractors, to</u> comply with minimum requirements to perform the corresponding port service. New paragraph: <u>The application of this Article is without prejudice to the provisions of Article 8.</u>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
195		Amendment 66 Article 4 – paragraph 2			
196	2. The minimum requirements provided for in paragraph 1 may only relate, where applicable, to:	2. The minimum requirements provided for in paragraph 1 [...] relate [...] to:	2. <i>Without prejudice to any general requirements which apply to all bona fide service providers established in the Union, the minimum requirements provided for in paragraph 1 may only relate to one or several of the following subject-matters:</i>	B	2. Without prejudice to any general requirements which apply to all bona fide service providers established in the Union, the The minimum requirements provided for in paragraph 1 may only relate to one or several <u>more</u> of the following subject-matters:
197	(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;		(a) the professional qualifications of the [...] provider of port services, its personnel or the natural persons who effectively and continuously are managing the activities of the [...] provider of port services;	A	"Agreed" (GA text) GA: Editorial changes only.
198			(aa) the financial capacity of the provider of port services;	A	"Agreed" (GA text) (cf. EP amendment 67, line 200)
199		Amendment 67 Article 4 – paragraph 2 – point b			
200	(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;	(b) the equipment needed to provide the relevant port service in normal and safe conditions <i>in a continuous manner</i> and the <i>technical and financial</i> capacity to maintain this equipment at the <i>required</i> level;	(b) the equipment needed to provide the relevant port service in normal and safe conditions and the capacity to maintain this equipment at the <i>required</i> level;	A	"Agreed" (GA text) Cf. Art. 4(2)(aa) GA (line 198).

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
201		Amendment 68 Article 4 – paragraph 2 – point ba (new)			
202		<i>(ba) the availability of the port service to all users, at all berths and without interruptions day and night, throughout the year;</i>		A	"Agreed" (EP amendment) <i>Content/intent identical to GA. Cf. GA Art. 4(2)(da) and (dc) (lines 210 and 211).</i>
203		Amendment 69 Article 4 – paragraph 2 – point c			
204	(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;	(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 other persons;	(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;	A	"Agreed" (EP amendment)
205	(d) the compliance with local, national, Union and international environmental requirements.		(d) the compliance with local, national, Union and international environmental requirements;		<i>Same wording</i>
206		Amendment 70 Article 4 – paragraph 2 – point da (new)			
207		<i>(da) the compliance with national social and labour legislation of the Member State of the port concerned, including the terms of collective bargaining agreements;</i>		C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
208		Amendment 71 Article 4 – paragraph 2 – point db (new)			
209		<i>(db) the good repute of the port service provider, as determined by the Member State.</i>		C	B C (on the request of EP)
210			<i>(da) the availability of the port service to all users;</i>	A	"Agreed" (GA text) <i>(would replace EP amendment 68, line 202)</i>
211			<i>(dc) the availability of the service without interruption during the day, the night, the week and the year;</i>	A	"Agreed" (GA text) <i>(would be replaced by EP amendment 68, line 202). NB: line 277.</i>
212	3. The minimum requirements shall be transparent, non- discriminatory, objective and relevant to the category and nature of port services concerned.		3. The minimum requirements shall:	A	"Agreed" (GA text)
213			<i>(a) be transparent, objective, non- discriminatory, proportionate, and relevant to the category and nature of the port service concerned;</i>	B	A B (EP to confirm that it can accept GA text)
214			<i>(b) be complied with until the right to provide a port service expires; and</i>	A	"Agreed" (GA text)
215			<i>(c) not be used to introduce market barriers.</i>	B	A B (on the request of EP; should be read in conjunction with EP amendment 72, line 217)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
216		Amendment 72 Article 4 – paragraph 3 a (new)			
217		<i>3a. Under no circumstances shall the implementation of this Regulation constitute grounds for a reduction in the level of minimum requirements for the provision of port services that have already been imposed by Member States or competent authorities.</i>		C	.
218		Amendment 73 Article 4 – paragraph 4			
219	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.	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 information exists, under transparent and non-discriminatory conditions [...].	4. [...]	B	A B (at the request of EP) 4. Where the minimum requirements include specific local knowledge or acquaints with local knowledge or acquaints with of local conditions, the managing body of the port, or the competent authority , shall ensure that adequate access to information exists, under transparent and non-discriminatory conditions [...].

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
220		Amendment 74 Article 4 – paragraph 5			
221	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.	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 ... * 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. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	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 <i>or by the competent authority within ...</i> * 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. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
222		Amendment 75 Article 4 – paragraph 5a (new)			
223		<i>5a. In order to ensure maritime safety and the protection of the environment, the Member State or the competent authority may require that the ships used for towage or mooring operations are registered in and fly the flag Member State of the port concerned.</i>			B C (on the request of EP)
224	Article 5 Procedure to ensure compliance with the minimum requirements		Article 5 Procedure to ensure compliance with the minimum requirements		
225		Amendment 76 Article 5 – paragraph 1			
226	1. The managing body of the port shall treat providers of port services equally and shall act in a transparent manner.	1. The managing body of the port <i>or the competent authority</i> shall treat providers of port services equally and shall act in a transparent, <i>objective, non-discriminatory and proportionate</i> manner.	1. The managing body of the port <i>or the competent authority</i> shall treat providers of port services [...] in a transparent, <i>objective, non-discriminatory and proportionate</i> manner.	A	"Agreed" (GA text)
227		Amendment 77 Article 5 – paragraph 2			
228	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	2. The managing body of the port <i>or the competent authority</i> shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4. <i>It shall do so</i> within a	2. The managing body of the port <i>or the competent authority</i> 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 <i>reasonable</i>	B	New paragraph: 2a. Any refusal shall be justified on the basis of the minimum requirements set out in Article 4(2). <i>Taken from line 230.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	granting of such a right. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.	<i>reasonable time, and in any event not exceeding four months</i> , from receiving a request for the granting of such a right <i>and the necessary documents</i> . Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.	<i>time, and in any event not exceeding four months</i> , from receiving a request for the granting of such a right <i>and the necessary documents</i> . [...]		
229	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.		3. [...]	B	New paragraph: <i>3. Any limitation or termination of the right to provide a port service shall be duly justified and in accordance with paragraph 1.</i> <i>Taken from line 230 and 231.</i>
230			<i>3a. Any limitation to the duration of the right to provide a port service shall be duly justified and in accordance with paragraph 1. Furthermore, any refusal shall be justified on the basis of the minimum requirements of Article 4(2).</i>	B	<i>Moved to line 228 and 229.</i>
231			<i>3b. Any termination of the right to provide a port service shall be duly justified and in accordance with paragraph 1.</i>	B	<i>Moved to line 229.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
232	Article 6 Limitations of the number of providers of port services		Article 6 Limitations of the number of providers of port services		
233		Amendment 78 Article 6 – paragraph -1 (new)			
234		<i>- 1. In the cases referred to in Article 9 of this Regulation, where the managing body of the port is not a contracting authority within the meaning of Directive 2014/24/EU of the European Parliament and of the Council^{1a}, this Article shall not apply.</i> <i>^{1a} Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).</i>		B	See line 249.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
235		Amendment 79 Article 6 – paragraph 1 – introductory part			
236	1. By way of derogation from Article 3, the managing body of the port may limit the number of providers of port service for a given port service for one or several of the following reasons:	1. <i>Without prejudice to the existing different models for the organisation of port services</i> , the managing body of the port <i>or the competent authority</i> may limit the number of providers of port service for a given port service for one or several of the following reasons:	1. By way of derogation from Article 3, the managing body of the port <i>or the competent authority</i> may limit the number of providers of port services for a given port service for one or several of the following reasons:	B	1. By way of derogation from Article 3, The managing body of the port, or the competent authority, may limit the number of providers of port services for a given port service for one or <i>more</i> of the following reasons: <i>See recital in line 140.</i>
237		Amendment 80 Article 6 – paragraph 1 – point a			
238	(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes an essential port facility to provide the port service and that the limitation is in accordance with the formal development plan of the port as agreed by the management body of the port and where appropriate any other public competent authorities according to the national legislation;	(a) the scarcity or reserved use of land provided that the managing body can demonstrate that the land constitutes <i>a [...] port facility which is essential for the provision of port services</i> and that the limitation is, <i>where applicable</i> , in accordance with <i>decisions or plans</i> agreed by the management body of the port and where appropriate any other public competent authorities <i>in conformity with</i> national legislation;	(a) the scarcity or reserved use of land <i>or waterside space</i> provided that <i>[...]</i> the limitation is in accordance with the <i>decisions or plans</i> as agreed by the <i>managing</i> body of the port and where appropriate any other public competent authorities according to the national legislation;	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
239		Amendment 81 Article 6 – paragraph 1 – point aa (new)			
240		<i>(aa) the scarcity of waterside space, where this constitutes an essential element of the ability to provide the port service concerned in a safe and efficient way;</i>		A	<i>Cf. Art. 6(1)(a) of GA (line 238).</i>
241		Amendment 82 Article 6 – paragraph 1 – point ab (new)			
242		<i>(ab) the inability of the characteristics of the port traffic to enable multiple providers of port services to operate in economically satisfactory conditions in the port;</i>		B	<i>See in line 248.</i>
243		Amendment 83 Article 6 – paragraph 1 – point ac (new)			
244		<i>(ac) the need to ensure the provision of safe, secure or environmentally sustainable port operations;</i>		A	"Agreed" (GA text) <i>Content identical to GA (cf. Art. 6(1)(bb) of GA, line 247).</i>
245	(b) the public service obligations as provided for in Article 8, insofar as the absence of limitation can obstruct the performance of the obligations assigned to the providers of port services.		(b) [...] the absence of limitation [...] obstructs the performance of the public service obligations as provided for in Article 8;	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
246			<i>(ba) the absence of limitation leads to a financial compensation for the public service obligations which is excessively high for the managing body of the port or the competent authority, or for the port users;</i>	B	PCY suggests to delete (ba) because it is covered by (b)
247			<i>(bb) the absence of limitation obstructs the need to ensure safe, secure or environmentally sustainable port operations;</i>	A	"Agreed" (GA text) Cf. AMD 83 line 244.
248			<i>(bc) the characteristics of the traffic do not enable multiple providers of port services to operate in economically satisfactory conditions in the port;</i>	B	<i>(bc) <u>where it can demonstrate that</u> the characteristics of the <u>port</u> traffic do not enable multiple providers of port services to operate in economically satisfactory conditions;</i>
249			<i>(bd) where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or sub-sector, together with its port services, within a Member State carries out an activity directly exposed to competition in accordance with Article 34 of that Directive. In such case, paragraphs 2 and 3 of this Article shall not apply.</i>	B	<i>(bd) <u>in the cases referred to in Article 9 of this Regulation</u>, where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or sub-sector, together with its port services, within a Member State carries out an activity directly exposed to competition in accordance with Article 34 of that Directive. In such case, paragraphs 2 and 3 of this Article shall not apply.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
250			<i>This paragraph does not preclude the possibility for Member States to impose public service obligations in case of unlimited access to port services.</i>	B	Paragraph is turned into a recital: <u>This Regulation should be without prejudice to the right of Member States to impose public service obligations related to port services.</u>
251	2. The managing body of the port shall publish any proposal to apply paragraph 1 at least six months in advance together with the grounds justifying it, giving any interested party the opportunity to comment within a reasonable period.		2. The managing body of the port <i>or the competent authority</i> shall publish any proposal to apply paragraph 1 at least <i>three</i> months in advance together with the grounds justifying it, giving any interested party the opportunity to comment within a reasonable period.	A	"Agreed" (GA text)
252	3. The managing body of the port shall publish the adopted decision.		3. The managing body of the port <i>or the competent authority</i> shall publish the adopted decision.	A	"Agreed" (GA text)
253		Amendment 84 Article 6 – paragraph 3a (new)			
254		<i>3a. Any limitation of providers for a port service shall follow a selection procedure, which shall be open to all interested parties, non-discriminatory and transparent. The managing body of the port shall communicate to all interested parties all necessary information concerning the organisation of the selection procedure and the submission deadline, as well as</i>		C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>all relevant award criteria and requirements. The submission deadline shall be long enough to allow interested parties to make a meaningful assessment and prepare their application, under normal circumstances the minimum limit shall be 30 days.</i>			
255		Amendment 85 Article 6 – paragraph 4			
256	4. When a managing body of a port provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State may entrust the adoption of the decision limiting the number of providers of port services to an authority which is independent from the managing body of the port. If the Member State does not entrust the adoption of the decision limiting the number of providers of port services to such an authority, the number of providers shall not be less than two.	4. When a managing body of a port provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State <i>shall take necessary measures to avoid conflicts of interest. In absence of such measures,</i> the number of providers shall not be less than two, <i>unless any of the reasons set out in paragraph 1 justifies a limitation to a single provider.</i>	4. When a managing body of a port <i>or a competent authority</i> provides port services itself or through a legally distinct entity which it directly or indirectly controls, the Member State <i>shall take necessary measures to avoid conflicts of interest. In the absence of such measures,</i> the number of providers shall not be less than two, <i>unless any of the reasons listed in paragraph 1 justifies a limitation to a single provider.</i>	A	“Agreed” (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
257			<i>4a. Member States may decide that their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 may limit the number of service providers for a given port service. In such case, paragraphs 1a to 7 of Article 7 of this Regulation shall not apply and the Member States shall inform the Commission thereof.</i>	B	EP argues that this provision is covered in line 248.
258		Amendment 86 Article 7 <i>deleted</i>			
259	Article 7 Procedure for the limitation of the number of providers of port services		Article 7 Procedure for the <i>choice</i> of providers of port services <i>in case of limitation of their number</i>	C	
260	1. Any limitation of the number of providers for a port service in accordance with Article 6 shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent.	[...]	1. <i>In the case of</i> limitation of the number of providers for a port service in accordance with Article 6, <i>the managing body of the port or the competent authority</i> shall follow a [...] procedure <i>to choose providers of port services</i> which shall be open to all interested parties, non-discriminatory and transparent.	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
261			<i>1a. The procedure shall fulfil the following conditions:</i>	C	
262			<i>(a) A port service contract notice, containing at least information on the port service to be provided, the award criteria, indications of how the relevant document can be accessed and the address and time limit for the submission of tenders, shall be published in the Official Journal of the European Union.</i>	C	
263			<i>(b) The minimum time limit for receipt of tenders shall be 30 days from publication of the notice.</i>	C	
264			<i>(c) All technical and functional requirements shall be communicated to interested parties.</i>	C	
265			<i>(d) The award criteria shall not confer an unrestricted freedom of choice on the managing body of the port or the competent authority.</i>	C	
266			<i>(e) The duration of the port service contract shall be limited on the basis of the nature of, the purpose of and the investments necessary for the service to which the contract relates.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
267	2. If the estimated value of the port service exceeds the threshold defined in paragraph 3, the rules on the award procedure, the procedural guarantees and the maximum duration of the concessions as set out in Directive / [concession] shall apply.	[...]	2. [...]	C	
268	3. The threshold and the method to determine the value of the port service shall be those of the relevant and applicable provisions of Directive / [concession].	[...]	3. [...]	C	
269	4. The selected provider or providers and the managing body of the port shall conclude a port service contract.	[...]	4. [...]	C	
270	5. For the purposes of this Regulation, a substantial modification within the meaning of Directive / ... [concession] of the provisions of a port service contract during its term shall be considered as a new port service contract and shall require a new procedure as referred to in paragraph 2.	[...]	5. For the purposes of this Regulation, a substantial modification [...] of the provisions of a port service contract during its term shall be considered as <i>the conclusion of</i> a new port service contract and shall require a new procedure as referred to in paragraph 1.	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
271			<i>This covers cases when the modification renders the contract materially different in character from the one initially concluded, including when the scope of the port service contract is considerably extended.</i>	C	
272	6. Paragraphs 1 to 5 of this Article shall not apply in the cases referred to in Article 9.	[...]	6. Paragraphs 1, 1a and 5 of this Article shall not apply in the cases referred to in Article 6(1)(bd) and Article 9.	C	
273	7. This Regulation is without prejudice to Directive .../... [concession]¹², Directive .../....[public utilities]¹³ and Directive .../... [public procurement]¹⁴ ¹² Proposal for a Directive on the award of concession contracts (COM 2011) 897 final ¹³ Proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors (COM/2011/0895 final) ¹⁴ Proposal for a Directive on public procurement (COM/2011/0896 final)	[...]	7. This Regulation is without prejudice to Directive 2014/23/EU of the European Parliament and of the Council¹², Directive 2014/25/EU and Directive 2014/24/EU of the European Parliament and of the Council¹³. ¹² Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1). ¹³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94,	C	GA: Editorial changes only.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
			28.3/2014, p. 65).		
274	Article 8 Public service obligations		Article 8 Public service obligations		
275		Amendment 87 Article 8 – paragraph 1 – introductory part			
276	1. Member States may decide to impose public service obligations related to port services on providers in order to ensure the following:	1. <i>The</i> Member States <i>shall designate the competent authority within their territory, which may be the managing body of the port, entitled to implement</i> public service obligations related to port services on providers in order to ensure <i>at least one of</i> the following:	1. Member States may decide to impose public service obligations related to port services on providers in order to ensure <i>one or several of</i> the following:	B	1. Member States may decide to impose public service obligations related to port services on providers <u>and may entrust the right to impose such obligations to the managing body of the port, or a competent authority,</u> in order to ensure <u>at least one of</u> the following: <i>Cf. 287</i>
277	(a) the availability of the service without interruption during the day, the night, the week and the year;		(a) the availability of the service without interruption during the day, the night, the week and the year;	B	(a) the availability of the port service <u>to all port users, at all berths,</u> without interruption, during the day; <u>and the night, throughout</u> the week and the year; <i>Alignment of the text with EP amendment in line 202.</i>
278		Amendment 88 Article 8 – paragraph 1 – point b			
279	(b) the availability of the service to all users;	(b) the availability of the service to all users, <i>where appropriate on equal terms;</i>	(b) the availability of the service to all users;	B	(b) the availability of the service to all users <u>on equal terms;</u>
280	(c) the affordability of the service for certain categories of users.		(c) the affordability of the service [...];	B	(c) the affordability of the service <u>for certain categories of users.</u>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
281		Amendment 89 Article 8 – paragraph 1 – point ca (new)			
282		<i>(ca) the safety, security or environmental sustainability of ports operations;</i>	<i>(ca) the safety, security or environmental sustainability of port operations;</i>	A	"Agreed" <i>Content identical to GA.</i>
283		Amendment 90 Article 8 – paragraph 1 – point cb (new)			
284		<i>(cb) the provision of adequate transport services to the public and territorial cohesion.</i>	<i>(cb) territorial cohesion.</i>	A	"Agreed" (EP amendment)
285	2. The obligations referred to in paragraph 1 shall be clearly defined, transparent, non- discriminatory, verifiable and shall guarantee equality of access to all port service providers established in the Union.		2. The obligations referred to in paragraph 1 shall be clearly defined, transparent, non- discriminatory, verifiable and shall guarantee equality of access to all [...] providers of port services established in the Union.	A	"Agreed" (GA text) <i>GA: Editorial changes only.</i>
286		Amendment 91 Article 8 – paragraph 3			
287	3. The Member States shall designate the competent authorities within their territory to impose such public service obligations. The managing body of the port may be the competent authority.	<i>deleted</i>	3. [...] Member States <i>may</i> <i>entrust the right</i> to impose [...] public service obligations <i>to a</i> <i>managing body of the port or a</i> <i>competent authority. [...]</i>	B	<i>Cf. compromise proposal line 276.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
288		Amendment 92 Article 8 – paragraph 4			
289	4. When the competent authority designated in accordance with paragraph 3 is different from the managing body of the port, that competent authority shall exercise the powers provided for in Articles 6 and 7 concerning the limitation of the number of providers of port services based on public service obligations.	4. When the competent authority designated in accordance with <i>paragraph 1 of this Article</i> is different from the managing body of the port, that competent authority shall exercise the powers provided for in Article 6 concerning the limitation of the number of providers of port services based on public service obligations.	4. [...]	B	<i>Not aligned with the GA and EP definition of competent authority. Propose deletion as in GA.</i>
290		Amendment 93 Article 8 – paragraph 5			
291	5. If a competent authority decides to impose public service obligations in all the seaports covered by this Regulation in a Member State, it shall notify these obligations to the Commission.	5. If a Member State decides to impose public service obligations in all the <i>maritime ports</i> covered by this Regulation in a Member State, it shall notify these obligations to the Commission.	5. If a Member State decides to impose public service obligations, <i>for the same service</i> , in all <i>its maritime</i> ports covered by this Regulation [...], it shall notify <i>those</i> obligations to the Commission.	A	"Agreed" (GA text)

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
292		Amendment 94 Article 8 – paragraph 6			
293	6. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the competent authority may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service in accordance with Article 7 or shall apply Article 9.	6. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the competent authority may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to one year. During that time period, the competent authority shall either launch a new procedure to select a provider of port service [...] or shall apply Article 9. <i>Collective industrial action taking place in accordance with national legislation of the respective Member State and/or applicable agreements between the social partners shall not be considered a disruption of port services for which emergency measures may be taken.</i>	6. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the <i>authority designated in accordance with paragraph 3</i> may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period up to <i>two years</i> . During that time period, <i>that authority</i> shall either launch a new procedure to select a provider of port <i>services</i> in accordance with Article 7 or shall apply Article 9.	C	
294					

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
295	Article 9 Internal operator		Article 9 Internal operator		
296		Amendment 95 Article 9 – paragraph 1			
297	1. In the cases provided for in Article 6 (1) (b), the competent authority may decide to provide a port service under public service obligations itself or to impose such obligations directly on a legally distinct entity over which it exercises a control similar to that exercised over its own departments. In such a case, the port service provider shall be considered as an internal operator for the purpose of this Regulation.	1. [...] <i>The managing body of the port or</i> the competent authority may decide to provide a port service [...] itself or [...] <i>through</i> a legally distinct entity over which it exercises a control similar to that exercised over its own departments, <i>provided that Article 4 applies equally to all operators providing the service concerned.</i> In such a case, the port service provider shall be considered as an internal operator for the purpose of this Regulation.	1. [...] <i>The managing body of the port or</i> the competent authority may decide to provide a port service [...] itself or [...] <i>through</i> a legally distinct entity over which it exercises a control similar to that exercised over its own departments. [...]	B	PCY proposes to accept EP amendment.
298		Amendment 96 Article 9 – paragraph 2			
299	2. The competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.	2. <i>The managing body of the port or</i> the competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the [...] legal entity <i>concerned.</i>	2. The <i>managing body of the port or the</i> competent authority shall be considered as exercising a control of a legally distinct entity similar to that exercised to its own departments only if it exercises a decisive influence over both the strategic objectives and the significant decisions of the controlled legal entity.	A	"Agreed" (EP amendment) <i>Content identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
300		Amendment 97 Article 9 – paragraph 3			
301	3. The internal operator shall be confined to perform the assigned port service only in the port(s) for which the assignment to provide the port service has been attributed to him.	3. <i>In the cases provided for in Article 8, the</i> internal operator shall be confined to perform the assigned port service only in the port(s) for which the assignment to provide the port service has been attributed to him.	3. <i>In the cases provided for in Article 6(1), with the exception of point (bd),</i> the internal operator shall be confined to perform the assigned port service only in the <i>port or ports</i> for which the assignment to provide the port service has been attributed to him.	B	PCY proposes to stick to GA text.
302	4. If a competent authority decides to apply paragraph 1 in all the seaports covered by this Regulation in a Member State, it shall inform the Commission.		4. [...]]	B	<i>To be further discussed.</i>
303	5. This Article is without prejudice to Directive[concession].		5. [...]]	B	<i>To be further discussed.</i>
304	Article 10 Safeguarding of employees' rights		Article 10 Safeguarding of employees' rights		
305	1. This Regulation shall not affect the application of the social and labour rules of the Member States.		1. This Regulation shall not affect the application of the social and labour rules of the Member States.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
306		Amendment 98 Article 10 – paragraph 2			
307	2. Without prejudice to national and Union law including collective agreements between social partners, the managing bodies of the port may require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the incumbent provider of port services, to grant staff previously taken on by the incumbent provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.	2. Without prejudice to national and Union law, including <i>representative</i> collective agreements between social partners, the <i>competent authority</i> shall require the designated provider of port services to grant staff <i>working conditions on the basis of binding national, regional or local social standards. In case of a transfer of staff due to a change of service</i> provider, <i>the staff</i> previously taken on by the incumbent provider of port services <i>shall be granted</i> the <i>same</i> rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.	2. Without prejudice to national and Union law including collective agreements between social partners, the managing bodies of the port <i>or the competent authority</i> may require the designated provider of port services appointed in accordance with the procedure established by Article 7, in the case where this provider is different from the <i>outgoing</i> provider of port services, to grant staff previously taken on by the <i>outgoing</i> provider of port services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
308		Amendment 99 Article 10 – paragraph 3			
309	3. Where managing bodies of the port require providers of port services to comply with certain social standards as regards the provision of relevant port services, tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.	3. <i>The</i> managing bodies of the port <i>or the competent authority shall</i> require <i>all</i> providers of port services to comply with <i>all</i> social <i>and labour</i> standards as <i>set out in Union and/or national law, as well as applicable collective agreements in accordance with national customs and traditions. When, in the context of the provision of relevant port services, a transfer of staff occurs,</i> tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.	3. Where managing bodies of the port <i>or competent authorities</i> require providers of port services to comply with certain social standards as regards the provision of relevant port services, tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
310		Amendment 100 Article 10a (new)			
311		<i>Training and labour protection</i>			
312		<i>1. The employer shall ensure that its employees receive the necessary training to acquire a sound knowledge of the conditions in which their work is conducted and that they are properly trained to tackle the hazards which the work may entail.</i>		C	
313		<i>2. In full respect of the autonomy of social partners, the EU-level Sectoral Social Dialogue Committee for Ports is invited to develop guidelines for the establishment of training requirements to prevent accidents and ensure the highest level of safety and health for workers. Such training requirements shall be regularly updated in order to reduce on an ongoing basis the occurrence of accidents at the workplace.</i>		C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
314		<i>3. The social partners are invited to develop models which ensure a balance between the fluctuation in the demand for port work and flexibility required by port operations, on the one hand, and continuity and protection of employment, on the other hand.</i>		C	
315	Article 11 Exemption		Article 11 Exemptions		
316		Amendment 101 Article 11			
317	This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services and passenger services.	This Chapter, <i>with the exception of Article 10a</i> , and the transitional provisions of Article 24 shall not apply to cargo handling services, passenger services <i>and pilotage</i> .	This Chapter and the transitional provisions of Article 24 shall not apply to cargo handling and passenger services.	C	
318			<i>Article 11a</i> <i>National derogations</i>		
319			<i>Member States may decide not to apply this Chapter and the transitional provisions of Article 24 to pilotage. Member States shall inform the Commission thereof.</i>	C	<i>Cf. recital on Pilotage Exemption Certificates line 111.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
320	CHAPTER III – Financial transparency and autonomy		CHAPTER III – Financial transparency and autonomy		<i>Same wording</i>
321	Article 12 Transparency of financial relations		Article 12 Transparency of financial relations		<i>Same wording</i>
322	1. The financial relations between public authorities and a managing body of the port that receives public funds shall be reflected in a transparent way in the accounts in order to clearly show the following:		1. The financial relations between public authorities and a managing body of a port, <i>or other entity that provides port services on its behalf, in receipt of</i> public funds shall be reflected in a transparent way in the <i>accounting system</i> in order to clearly show the following:	A	"Agreed" (GA text)
323	(a) public funds made available directly by public authorities to the managing bodies of the port concerned;		(a) public funds made available directly by public authorities to the managing bodies of the port concerned;		
324	(b) public funds made available by public authorities through the intermediary of public undertakings or public financial institutions; and		(b) public funds made available by public authorities through the intermediary of public undertakings or public financial institutions; and		
325	(c) the use which these public funds have been attributed for.		(c) the use which these public funds have been attributed for.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
326		Amendment 102 Article 12 – paragraph 2 – introductory part			
327	2. Where the managing body of the port that receives public funds provides port services itself, it shall keep the accounts of each port service activity separate from the accounts of its other activities, in such a way that :	2. Where the managing body of the port that receives public funds provides port services <i>or dredging</i> itself, it shall keep the accounts of <i>that publicly funded</i> activity <i>or investment</i> separate from the accounts of its other activities, in such a way that:	2. Where the managing body of a port <i>in receipt of</i> public funds provides port services <i>or dredging, within the port area which falls into the legal competence of the managing body of the port, itself, or other entity provides port services or dredging, within the port area which falls into the legal competence of the managing body of the port, on its behalf,</i> it shall keep the accounts of <i>that publicly funded</i> port service activity <i>or dredging</i> separate from the accounts of its other activities, in such a way that:	B	2. Where the managing body of a port in receipt of public funds provides port services or dredging, within the port area which falls into the legal competence of the managing body of the port, itself, or <u>another entity provides port services or dredging, within the port area which falls into the legal competence of the managing body of the port,</u> on its behalf, it shall keep the accounts of that publicly funded port service activity or dredging separate from the accounts of its other activities, in such a way that: <i>"Simplification. Deleted text is covered by definition of "dredging" in line 152.</i>
328	(a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and		(a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and		
329	(b) the cost accounting principles according to which separate accounts are maintained are clearly established.		(b) the cost accounting principles according to which separate accounts are maintained are clearly established.		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
330		Amendment 103 Article 12 – paragraph 2 – subparagraph 1 a (new)			
331		<i>When a managing body of the port, or an association of ports, carries out dredging itself and receives public funds for this activity, it shall not carry out dredging in other Member States.</i>		B	PCY proposes to accept EP amendment.
332		Amendment 104 Article 12 – paragraph 3			
333	3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, dividends paid out and profits retained or any other form of public financial support.	3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities [...] or any other form of public financial support.	3. The public funds referred to in paragraph 1 shall include share capital or quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, award of loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities, <i>the granting of financial advantages by forgoing profits and recovery of sums due</i> or any other form of public financial support.	B	EP still considers the need for clarification of the GA text.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
334		Amendment 105 Article 12 – paragraph 4			
335	4. The managing body of the port shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 of this Article at the disposal of the Commission and of the competent independent supervisory body as referred to in Article 17 for five years from the end of the fiscal year to which the information refers.	4. The managing body of the port shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 of this Article at the disposal of the Commission and of the body designated pursuant to Article 17 for five years from the end of the fiscal year to which the information refers.	4. The managing body of the port, or other entity that provides port services on its behalf , shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 of this Article [...] for five years from the end of the fiscal year to which the information refers.	C	
336		Amendment 106 Article 12 – paragraph 5			
337	5. The managing body of the port shall make available to the Commission and the competent independent supervisory body, upon request, any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.	5. The managing body of the port shall, in the event of a formal complaint and upon request , make available to the Commission and to the body designated pursuant to Article 17 any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation. The information shall be transmitted within two months from the date of the request.	5. The managing body of the port, or other entity that provides port services on its behalf , shall, upon request , make available to the relevant national authority the information referred to in paragraphs 1 and 2 and any additional information that they deem necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation in line with competition rules. Such information shall be made available to the Commission by the national authority upon request. The information shall be	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
			transmitted within <i>three</i> months from the date of the request.		
338	6. Managing bodies of the port that have not received public funds in previous accounting years but which start benefitting from public funds shall apply paragraphs 1 and 2 from the accounting year following the transfer of the public funds		6. <i>The managing body</i> of the port, <i>or other entity that provides port services on its behalf</i> , that <i>has</i> not received public funds in previous accounting years but which start benefitting from public funds shall apply paragraphs 1 and 2 from the accounting year following the transfer of the public funds.	A	"Agreed" (GA text)
339	7. Where public funds are paid as a compensation for a public service obligation, they shall be shown separately in the relevant accounts and may not be transferred to any other service or business activity.		7. Where public funds are paid as a compensation for a public service obligation, they shall be shown separately in the relevant accounts and may not be transferred to any other service or business activity.		
340		Amendment 107 Article 12 – paragraph 7a (new)			
341		<i>7a. Member States may decide that paragraph 2 of this Article shall not apply to their ports of the comprehensive network which do not meet the criteria in point (a) or point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, provided that any public funds received, and their use for</i>	<i>7a. Member States may decide that paragraph 2 shall not apply to their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 in case of disproportionate administrative burdens, provided that any public funds received, and their use for providing port services, remain</i>	B	<i>Propose GA text (the EP amendment would also exclude big ports)</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>providing port services, remain fully transparent in the accounting system. Where the Member States so decide, they shall inform the Commission thereof before their decision takes effect.</i>	<i>fully transparent in the accounting system. In such case, the Member States shall inform the Commission thereof in advance.</i>		
342	Article 13 Port service charges		Article 13 Port service charges		
343		Amendment 108 Article 13 – paragraph 1			
344	1. The charges for the services provided by an internal operator as referred to in Article 9 and the charges levied by providers of port service, in cases of limitation of the number of providers which have not been designated on the basis of procedures which are open, transparent and non-discriminatory, shall be set in a transparent and non-discriminatory way. These charges shall reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.	1. The charges for the services provided by an internal operator <i>under a public service obligation</i> , the charges <i>for pilotage services that are not exposed to effective competition and the charges</i> levied by providers of port services, <i>referred to in point (b) of Article 6(1)</i> , shall be set in a transparent and non-discriminatory way. These charges shall, <i>as far as possible</i> , reflect the conditions on a competitive relevant market and shall not be disproportionate to the economic value of the service provided.	1. <i>In the cases referred to in Article 6(1)(b) and (ba), including as regards pilotage, the charges</i> shall be set in a transparent, <i>objective</i> , and non-discriminatory way <i>and shall be proportionate to the cost of the service provided.</i>	B	1. <u>The charges for the services provided by an internal operator under a public service obligation, the charges for pilotage services that are not exposed to effective competition and the charges levied by providers of port services, referred to in point (b) of</u> In the cases referred to in Article 6(1)(b) and (ba), shall be set in a transparent, objective, and non-discriminatory way and shall be proportionate to the cost of the service provided.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
345	2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, the provider of port service and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.		2. The payment of the port service charges may be integrated in other payments, such as the payment of the port infrastructure charges. In this case, the provider of port <i>services</i> and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.		<i>Same wording</i>
346		Amendment 109 Article 13 – paragraph 3			
347	3. The port service provider shall make available to the competent independent supervisory body as referred to in Article 17, upon request, information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. This information shall include the methodology used for setting the port charges with regard to the facilities and services to which these port service charges relate to.	3. The port service provider shall, <i>in the event of a formal complaint and upon request</i> , make available to the <i>body designated pursuant to</i> Article 17, information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. This information shall include the methodology used for setting the port charges with regard to the facilities and services to which these port service charges relate to.	3. The [...] provider <i>of port services</i> shall, <i>upon request</i> , make available to the <i>relevant national authority any relevant</i> information on the elements serving as a basis to determine the structure and the level of the port service charges that falls under the application of paragraph 1 of this Article. [...]]	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
348	Article 14 Port infrastructure charges		Article 14 Port infrastructure charges		
349	1. The managing body of the port shall levy a port infrastructure charge. This shall not prevent providers of port services which are using port infrastructures from levying port service charges.		1. <i>Member States shall ensure that a port infrastructure charge is levied.</i> This shall not prevent providers of port services which are using port infrastructures from levying port service charges.	C	C on the request of EP; concerns the autonomy of ports.
350	2. The payment of the port infrastructure charges may be integrated in other payments, such as the payment of the port service charges. In this case, the managing body of the port shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.		2. The payment of the port infrastructure charges may be integrated in other payments, such as the payment of the port service charges. In this case, the managing body of the port shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.		
351		Amendment 110 Article 14 – paragraph 3			
352	3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined in an autonomous way by the managing body of the port according to its own commercial strategy and investment plan reflecting competitive conditions of the relevant market and in accordance with State aid rules.	3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be defined in an autonomous way by the managing body of the port according to its own commercial strategy and investment plan in accordance with State aid <i>and competition</i> rules.	3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be <i>determined according to national ports policy and/or the individual port's</i> commercial strategy and investment plan <i>and comply with competition rules, where applicable.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
353		Amendment 111 Article 14 – paragraph 4			
354	4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with commercial practices related to frequent users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be relevant, objective, transparent and non-discriminatory and in due respect of the competition rules. The resulting variation shall in particular be available to all relevant port service users on equal terms.	4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with <i>the port's economic strategy and the port's spatial planning policy</i> related, <i>inter alia</i> , to <i>certain categories of</i> users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria used for such a variation shall be <i>fair</i> , non-discriminatory <i>as to nationality and shall comply with State aid and competition rules. The managing body of the port may take into account external costs when setting the charges. The managing body of the port may vary the infrastructure charges in accordance with commercial practices.</i>	4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with <i>the port's economic strategy and the port's spatial planning policy</i> , related <i>inter alia to certain categories of</i> users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria [...] for such a variation shall be relevant, <i>transparent</i> , objective and non-discriminatory [...]. <i>Port infrastructure charges may vary also in accordance with commercial practices.</i>	B	4. Without prejudice to paragraph 3, port infrastructure charges may vary in accordance with the port's economic strategy and the port's spatial planning policy, related inter alia to certain categories of users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be <u>fair</u> , transparent, objective and non-discriminatory <u>and shall be consistent with competition law, including State aid rules.</u> Port infrastructure charges may <u>take into account external costs and may</u> vary also in accordance with commercial practices.

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
355		Amendment 112 Article 14 – paragraph 5			
356	5. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with the procedure referred to in Article 21 concerning common classifications of vessels, fuels and types of operations according to which the infrastructure charges can vary and common charging principles for port infrastructure charges.	<i>deleted</i>	5. [...]]	A	"Agreed" <i>Identical to GA.</i>
357		Amendment 113 Article 14 – paragraph 6			
358	6. The managing body of the port shall inform port users and the representatives or associations of port users about the structure and the criteria used to determine the amount of the port infrastructure charges, including the total costs and revenues serving as a basis to determine the structure and the level of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least	6. The managing body of the port shall inform port users and the representatives or associations of port users <i>in a transparent manner</i> about the structure and the criteria used to determine the amount of the port infrastructure charges. It shall inform users of the port infrastructures of any changes in the amount of the port infrastructure charges or in the structure or criteria used in order to determine such charges at least three months in advance. <i>The managing body of the port shall not be required to disclose</i>	6. The managing body of the port <i>or the competent authority</i> shall <i>ensure that</i> port users and the representatives or associations of port users <i>are informed</i> about the <i>nature and level</i> of the port infrastructure charges [...]. <i>The managing body of the port or the competent authority shall ensure that</i> users of the port infrastructures <i>are informed</i> of any changes in the <i>nature and level</i> of the port infrastructure charges [...] at least <i>two</i> months in advance.	B	A B (by agreement of the parties) 6. The managing body of the port, or the competent authority, shall ensure that port users and the representatives or associations of port users are informed about the nature and level of the port infrastructure charges [...]. The managing body of the port, or the competent authority, shall ensure that users of the port infrastructures are informed of any changes in the nature and level of the port infrastructure charges [...] at least two months in advance. <u>The managing body of the port, or the competent authority, shall not be required to disclose</u>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	three months in advance.	<i>differentiations in the charges that are a result of individual negotiations.</i>			<u>differentiations in the charges that are the result of individual negotiations.</u>
359		Amendment 114 Article 14 – paragraph 7			
360	7. The managing body of the port shall make available to the competent independent supervisory body and to the Commission, upon request, the information referred to in paragraph 4 and the detailed costs and revenues, serving as a basis to determine the structure and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.	7. The managing body of the port shall, <i>in the event of a formal complaint and</i> upon request, <i>make available to the body designated pursuant to Article 17 and to the Commission, the information referred to in paragraph 4 of this Article</i> and the level of the port infrastructure charges and the methodology used for setting the port infrastructure charges with regard to the facilities and services to which these port charges relate to.	7. The managing body of the port shall, <i>upon request</i> , make available to the <i>relevant national authority [...]</i> the information referred to in paragraphs 4 <i>and</i> 6 [...]. <i>Such information shall be made available to the Commission by the national authority upon request.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
361	CHAPTER IV – General and final provisions		CHAPTER IV – General and final provisions		
362	Article 15 Consultation of port users		Article 15 Consultation of port users <i>and other stakeholders</i>	C	
363		Amendment 115 Article 15 – paragraph 1 <i>deleted</i>			
364	1. The managing body of the port shall establish a committee of representatives of operators of waterborne vessels, cargo owners or other port users which are requested to pay an infrastructure charge or a port service charge or both. This committee shall be called the "port users' advisory committee".		1. [...]	A	"Agreed" <i>Identical to GA.</i>
365		Amendment 116 Article 15 – paragraph 2			
366	2. The managing body of the port shall consult on an annual basis prior to the setting of port infrastructure charges the port users' advisory committee on the structure and level of such charges. The providers of port services as referred to in Article 6 and in Article 9 shall consult on an annual basis prior to the setting of port service charges the port users' advisory committee on the structure and level of such	2. The managing body of the port shall <i>ensure that adequate mechanisms for the consultation of port users, including relevant interconnected transport operators, are in place. It shall consult port users in the event of substantial changes to port infrastructure charges. The providers of port services shall provide port users with adequate information about the structure of port service charges and the</i>	2. [...]	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	charges. The managing body of the port shall provide adequate facilities for such consultation and shall be informed of the results of the consultation by the providers of port services.	<i>criteria used to determine them. Internal operators providing services under a public service obligation and</i> the providers of port services as referred to in Article 6 <i>(1b)</i> shall consult port users on an annual basis and prior to the setting of port service charges on the structure and level of such charges. The managing body of the port shall provide adequate mechanisms for such consultation and shall be informed of the results of the consultation by the providers of port services.			
367		<i>It shall be possible to impose the obligations mentioned in this paragraph to bodies, including those with a distinct composition, that are already established within the port.</i>		C	
368	Article 16 Consultation of other stakeholders		[Article 16 [...]]	C	
369		Amendment 117 Article 16 – paragraph 1 – introductory part			
370	1. The managing body of the port shall regularly consult stakeholders such as undertakings established in the port, providers of port services, operators of	1. The managing body of the port shall regularly consult <i>the relevant</i> stakeholders operating in the port area <i>as well as public administrations responsible for</i>	1. <i>Without prejudice to the competence on the issues listed in points (-a) to (ca) of this paragraph, the managing body of the port shall when appropriate</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	waterborne vessels, cargo owners, land transport operators and public administrations operating in the port area on the following:	<i>transport infrastructure planning, where appropriate</i> on the following:	consult <i>representatives of port users</i> , providers of port services <i>and other relevant stakeholders at least</i> on the following:		
371			<i>(-a) the charging policy;</i>	C	
372	(a) the proper coordination of port services within the port area;		(a) [...]	C	
373	(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;		(b) measures to improve the connections with the hinterland and where appropriate measures to develop and improve the efficiency of rail and inland waterways connections;		
374	(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them.		(c) the efficiency of the administrative procedures in port and where appropriate possible measures to simplify them, <i>as well as the proper coordination of port services within the port area;</i>	C	
375		Amendment 118 Article 16 – paragraph 1 – point ca (new)			
376		<i>(ca) the consequences of planning and of spatial planning decisions in terms of environmental performance;</i>	<i>(ca) environmental issues.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
377		Amendment 119 Article 16 – paragraph 1 – point cb (new)			
378		<i>(cb) measures to ensure and improve safety in the port area, including health and safety of port workers and information on access to training of port workers.</i>		C	
379		Amendment 120 Article 17 – title			
380	Article 17 Independent supervisory body	Article 17 Independent <i>supervision</i>	Article 17 <i>Handling of complaints</i>	C	
381		Amendment 121 Article 17 – paragraph 1			
382	1. Member States shall ensure that an independent supervisory body monitors and supervises the application of this Regulation in all the seaports covered by this Regulation on the territory of each Member State.	1. Member States shall ensure that <i>effective mechanisms are in place to handle complaints for</i> all the <i>maritime ports</i> covered by this Regulation on the territory of each Member State. <i>To that end, the Member States shall designate one or more bodies.</i>	1. Member States shall ensure that an <i>effective mechanism is in place to handle complaints arising from</i> the application of this Regulation <i>for</i> all the <i>maritime ports</i> covered by this Regulation on the territory of each Member State.	C	
383		Amendment 122 Article 17 – paragraph 2			
384	2. The independent supervisory body shall be legally distinct from and functionally independent of any managing body of the port or providers of port services. Member States that retain ownership or control of ports or	2. The independent <i>supervision</i> shall be <i>carried out in a manner which excludes conflicts of interest and is</i> legally distinct from and functionally independent of any managing body of the port or providers of	2. <i>The handling of complaints shall be carried out in a manner which excludes conflicts of interest and which is</i> functionally independent of any managing body of the port or providers of port services. Member States <i>[...]</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	port managing bodies shall ensure an effective structural separation between the functions relating to the supervision and monitoring of this Regulation and the activities associated with that ownership or control. The independent supervisory body shall exercise its powers impartially and transparently and with due respect to the right to freely conduct business.	port services. Member States that retain ownership or control of ports or port managing bodies shall ensure <i>that there is</i> effective structural separation between the functions relating to the <i>handling of complaints</i> and the activities associated with that ownership or control. The independent <i>supervision</i> shall <i>be impartial and transparent and shall duly</i> respect the right to freely conduct business.	shall ensure <i>that there is</i> effective <i>functional</i> separation between the <i>handling of complaints on the one hand and the ownership and management of ports, provision of port services and port use on the other hand. The handling of complaints shall be impartial and transparent and shall duly</i> respect the right to freely conduct business.		
385		Amendment 123 Article 17 – paragraph 3			
386	3. The independent supervisory body shall handle the complaints lodged by any party with a legitimate interest and the disputes brought before it arising in connection with the application of this Regulation.	3. <i>Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including an indication of the bodies authorised to handle complaints referred to in Articles 12(5), 13(3) and 14(7).</i>	3. <i>Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint, including, an indication of the authorities responsible for the handling of complaints and relevant national authorities referred to in Articles 12(5), 13(3) and 14(7).</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
387		Amendment 124 Article 17 – paragraph 4			
388	4. In the event that the dispute arises between parties established in different Member States, the independent supervisory body of the Member State of the port where the dispute is presumed to have its origin shall have competence to solve the dispute.	4. In the event that the dispute arises between parties established in different Member States, the [...] Member State of the port where the dispute is presumed to have its origin shall have competence to solve the dispute. <i>The Member States concerned shall cooperate with each other and exchange information concerning their work.</i>	4. [...]	C	
389		Amendment 125 Article 17 – paragraph 5			
390	5. The independent supervisory body shall have the right to require managing bodies of the ports, providers of port services and port users to submit information needed to ensure monitoring and supervision of the application of this Regulation.	5. <i>In the event that a formal complaint is lodged by any party with a legitimate interest, the relevant body providing independent supervision</i> shall have the right to require managing bodies of the ports, providers of port services and port users to submit <i>the necessary</i> information [...].	5. [...]	C	
391		Amendment 126 Article 17 – paragraph 6			
392	6. The independent supervisory body may issue opinions at the request of a competent authority in the Member State on any issues in relation to the application of	<i>deleted</i>	6. [...]	A	"Agreed" <i>Identical to GA.</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	this Regulation.				
393		Amendment 127 Article 17 – paragraph 7			
394	7. The independent supervisory body may consult the port users' advisory committee of the port concerned when dealing with the complaints or disputes.	<i>deleted</i>	7. [...]	A	"Agreed" <i>Identical to GA.</i>
395		Amendment 128 Article 17 – paragraph 8			
396	8. The decisions of the independent supervisory body shall have binding effects, without prejudice to judicial review.	8. The decisions of the <i>relevant body providing independent supervision</i> shall have binding effects, without prejudice to judicial review.	8. [...]	C	
397		Amendment 129 Article 17 – paragraph 9		C	
398	9. Member States shall notify to the Commission the identity of the independent supervisory bodies by 1 July 2015 at the latest and subsequently any modification thereof. The Commission shall publish and update the list of the independent supervisory bodies on its website.	9. Member States shall notify to the Commission <i>mechanisms and procedures put in place to comply with paragraphs 1 and 2 of this Article by ...</i> * and shall <i>notify it without delay of any subsequent</i> modification thereof. The Commission shall publish and update the list of the <i>relevant</i> bodies on its website. _____ <i>* OJ: Please insert the date: 24 months after the entry into force</i>	9. Member States shall <i>inform</i> the Commission <i>about the mechanism for handling of complaints and shall indicate the authorities referred to in paragraph 3 by ...</i> * at the latest and subsequently any modification thereof. The Commission shall publish and update <i>such information</i> on its website. _____ <i>* OJ: Please insert date: 24</i>		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
		<i>of this Regulation.</i>	<i>months after the date of entry into force of this Regulation.</i>		
399		Amendment 130 Article 18			
400	Article 18 Cooperation between independent supervisory bodies	<i>deleted</i>	Article 18 Cooperation between <i>Member States</i>	C	
401	1. The independent supervisory bodies shall exchange information about their work and decision- making principles and practices in order to facilitate a uniform implementation of this Regulation. For this purpose, they shall participate and work together in a network that convenes at regular intervals and at least once a year. The Commission shall participate, coordinate and support the work of the network.	<i>[...]</i>	1. <i>[...]</i> In order to facilitate a uniform implementation of this Regulation, <i>Member States shall as and when appropriate exchange general information about the activities referred to in Article 17 and the Commission may participate in [...]</i> and support <i>such cooperation.</i>	C	
402	2. The independent supervisory bodies shall cooperate closely for the purposes of mutual assistance in their tasks, including in carrying out investigations required to handle complaints and disputes in cases involving ports in different Member States. For this purpose, an independent supervisory body shall make available to another such body,	<i>[...]</i>	2. <i>Member States</i> shall cooperate <i>[...]</i> for the purposes of mutual assistance in <i>the activities required to handle cross-border complaints.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	after a substantiated request, the information necessary to allow that body to fulfil its responsibilities under this Regulation.				
403	3. The Member States shall ensure that the independent supervisory bodies shall provide the Commission, after a reasoned request, with the information necessary for it to carry its tasks. The information requested by the Commission shall be proportionate to the performance of those tasks.	<i>[...]</i>	3. <i>[...]</i>	A	"Agreed"
404	4. Where information is considered confidential by the independent supervisory body in accordance with Union or national rules on business confidentiality, the other national supervisory body and the Commission shall ensure such confidentiality. This information may only be used for the purpose which it was requested.	<i>[...]</i>	4. <i>[...]</i>	A	"Agreed"
405	5. Based on the experience of the independent supervisory bodies and on the activities of the network referred to in paragraph 1, and in order to ensure efficient cooperation, the Commission may	<i>[...]</i>	5. <i>[...]</i>	A	"Agreed"

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	adopt common principles on the appropriate arrangements for the exchange of information between independent supervisory bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).				
406	Article 19 Appeals		Article 19 Appeals		
407		Amendment 131 Article 19 – paragraph 1			
408	1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the competent authorities, by the managing body of the port or by the independent supervisory body to an appeal body which is independent of the parties involved. This appeal body may be a court.	1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the competent authorities, by the managing body of the port or by the body designated pursuant to Article 17 to an appeal body which is independent of the parties involved. This appeal body may be a court.	1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by any relevant national authority [...] to an appeal body which is independent of the parties involved. This appeal body may be a court.	C	<i>Linked to Article 17.</i>
409	2. Where the appeal body referred in paragraph 1 is not judicial in character, it shall give reasons in writing for its decisions. Its decisions shall also be subject to review by a national court.		2. Where the appeal body referred in paragraph 1 is not judicial in character, it shall give reasons in writing for its decisions. Its decisions shall also be subject to review by a national court.		<i>Same wording</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
410	Article 20 Penalties		Article 20 Penalties		
411		Amendment 132 Article 20			
412	Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 1 July 2015 at the latest and shall notify it without delay of any subsequent amendment affecting them.	Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by ...* and shall notify it without delay of any subsequent amendment affecting them. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by ...* at the latest and shall notify it without delay of any subsequent amendment affecting them. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	A	"Agreed" <i>Identical to GA.</i>
413		Amendment 133 Article 21			<i>Identical to GA.</i>
414	Article 21 Exercise of the delegation	<i>deleted</i>	Article 21 [...]	A	"Agreed"
415	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this	[...]	1. [...]	A	"Agreed"

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	Article.				
416	2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for an indeterminate period of time.	<i>[...]</i>	2. <i>[...]</i>	A	"Agreed"
417	3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<i>[...]</i>	3. <i>[...]</i>	A	"Agreed"
418	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	<i>[...]</i>	4. <i>[...]</i>	A	"Agreed"
419	5. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and	<i>[...]</i>	5. <i>[...]</i>	A	"Agreed"

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
	the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.				
420		Amendment 134 Article 22			<i>Identical to GA.</i>
421	Article 22 Committee procedure	<i>deleted</i>	Article 22 [...]	A	"Agreed"
422	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	[...]	1. [...]	A	"Agreed"
423	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	[...]	2. [...]	A	"Agreed"
424	Article 23 Report		Article 23 Report		

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
425		Amendment 135 Article 23			
426	No later than three years after the entry into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of this Regulation, accompanied, if appropriate, by relevant proposals.	<i>For the purpose of evaluating the functioning and effect of this Regulation, periodic reports shall be presented to the European Parliament and the Council. By ...*, the Commission shall present a first report and periodic reports every three years thereafter accompanied, if appropriate, by relevant proposals. The reports of the Commission shall take into account any progress achieved by the EU-level Sectoral Social Dialogue Committee for Ports.</i> _____ <i>* OJ please insert the date: four years after the date of entry into force of this Regulation.</i>	No later than ...*, the Commission shall present a report to the European Parliament and the Council on the functioning and effect of this Regulation, accompanied, if appropriate, by relevant proposals. _____ <i>* OJ: Please insert date: 72 months after the date of entry into force of this Regulation.</i>	C	

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
427	Article 24 Transitional measures		Article 24 Transitional measures	B	
428	1. Port service contracts concluded before [date of adoption of the Regulation] which were entrusted to selected providers of port services based on an open, transparent and non-discriminatory procedure or are otherwise in conformity with the rules of this Regulation shall continue to be valid until their expiry.		1. Port service contracts <i>and acts of equivalent effects</i> concluded before ...* which <i>are limited in time</i> shall continue to be valid until their expiry. _____ <i>* OJ: Please insert date: date of adoption of this Regulation.</i>	B	1. Port service contracts concluded before ...* which <i>are limited in time</i> shall continue to be valid until their expiry. _____ <i>* OJ: Please insert date: date of adoption of this Regulation.</i> <i>NB: "acts of equivalent effects" covered by def. of "port service contract".</i>
429	2. Port service contracts concluded before [date of adoption of the Regulation] which do not meet the conditions provided in paragraph 1 shall remain valid until they expire but not after 1 July 2025.		2. Port service contracts <i>and acts of equivalent effects</i> concluded before ...* which <i>are not limited in time or have similar effects shall be aligned to this Regulation by 1 July 2025.</i> _____ <i>* OJ: Please insert date: date of adoption of this Regulation.</i>	B	2. Port service contracts concluded before ...* which <i>are not limited in time or have similar effects shall be aligned to this Regulation by 1 July 2025.</i> _____ <i>* OJ: Please insert date: date of adoption of this Regulation.</i>
430	Article 25 Entry into force		Article 25 Entry into force		
431	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		<i>Same wording</i>

	Commission proposal (doc. 10154/13)	EP amendments	Council general approach + recitals (doc. 14652/14)		Presidency compromise proposals/remarks
432		Amendment 136 Article 25 – subparagraph 2			
433	It shall apply with effect from 1 July 2015.	It shall apply with effect from ...*. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	It shall apply with effect from ...*. _____ <i>* OJ: Please insert date: 24 months after the date of entry into force of this Regulation.</i>	A	"Agreed" <i>Identical to GA.</i>
434	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.		<i>Same wording</i>