

Courtesy translation

Please find attached the Opinion of the European Union Affairs Committee of the Senate of the Republic of Poland on:

- proposal for a regulation of the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports - COM(2013)296.

/-/ Bogdan Borusewicz

Encl.

OPINION

**of the European Union Affairs Committee
of the Senate of the Republic of Poland
on the proposal for a regulation of the European Parliament and the Council
establishing a framework on market access to port services
and financial transparency of ports
COM(2013)296**

adopted at the meeting of 3 July 2013

The European Union Affairs Committee (EUAC) does not support the proposal for a regulation of the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports, COM(2013)296.

1. EUAC believes the proposed regulation interferes too much in the system of functioning of seaports and, consequently, is incompatible with the principle of proportionality, according to which the content and form of European Union action must not exceed what is necessary to achieve the objectives pursued. According to EUAC, a directive should be sufficient to harmonise the rules for providing port services. It would give Member States more flexibility while at the same time ensuring the harmonisation of methods of selecting port service providers; it would also enable Member States to preserve the currently applicable rules of port management.
2. In the opinion of EUAC, the powers to adopt delegated acts conferred on the Commission are too broad. This refers to the acts to be adopted in order to establish common rules for the classification of vessels, fuels and types of operations according to which the infrastructure charges can vary and common charging principles for port infrastructure charges (Article 14). The harmonisation of those issues is not necessary to achieve the objectives established in the proposed act.
3. EUAC proposes to postpone the date on which the proposed regulation should come into force. According to EUAC, the Member States will need more time to adapt to the new rules and to select port service providers according to the procedure specified in the future Directive on the award of concession contracts.

