



Brussels, 28.11.2013
C(2013) 8305 final

Dear President,

The Commission would like to thank the Riksdag for its Reasoned Opinion concerning the proposal for a Regulation of the European Parliament and the Council establishing a framework on market access and financial transparency of ports {COM(2013) 296 final}.

The Commission notes that more than half of the traffic transiting through ports is of EU and transnational relevance. Ports have been recognised by the EU legislator as an integral part of the trans-European network. Ports play a key role to reinforce the attractiveness of short sea shipping and therefore are essential to develop exchanges between Member States within the internal market in certain cross-border regions like around the Baltic sea. Last but not least ports are competing across the EU borders. The development of an EU port policy and a common framework to contribute to an improved efficiency of ports and ensure a fair competition between ports located in different Member States is therefore a logical step. This is why this development was enshrined by the Single Market Act II and endorsed by the European Council in March 2013 as part of the EU growth strategy.

The Commission's proposal applies exclusively to maritime ports which form part of the Trans-European Transport Network (TEN-T) and that, as such, are entitled for EU co-funding under the Connecting Europe Facility and the Structural Funds.

The draft Regulation proposed by the Commission seeks to ensure that all TEN-T ports apply basic rules ensuring financial transparency in the use of public funds. It is for that reason that Chapter III of the draft Regulation introduces two general requirements:

- First, the obligation of keeping accounts according to established accounting standards (Article 12) and*
- Second, the obligation to ensure that charges for port infrastructures are set in accordance with the commercial and investment strategy of each individual port and in a transparent and non-discrimination way (Article 14).*

Therefore, the proposal does not establish a uniform charging system for all TEN-T ports but on the contrary seeks to ensure that each TEN-T port can set its own infrastructure charging policy according to its needs.

As regards the proposed delegated powers contained in paragraph 5 of Article 14, the main aim is to establish common classifications of vessels and fuels that can be used by those ports which wish to promote greener maritime transport by applying differentiated infrastructure charges. Shipowners need consistent price signals across borders and the current

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multiplication of such classification undermines their willingness to invest in cleaner vessels. Therefore, rather than creating new standards, the aim is to facilitate the harmonisation of existing classifications, aligning those as far as possible to international ones.

The main aim of the powers delegated to the Commission would therefore be related to technical standards of vessels and would not interfere with the charging policy of ports.

In respect of the choice of the instrument, the Commission has proposed a regulation rather than a directive since one of the main goals of the proposal is to ensure a level playing field which requires a uniform implementation of the few but essential rules. A regulation, which is directly applicable in its entirety, is more likely to encourage a more uniform implementation, hence harmonised conditions of competition and to offer a clearer legal framework for stakeholders. In recognition of the diversity of the port systems, the Commission's intention has been to draft the provisions of the Regulation in a way as to allow the necessary flexibility to the Member States and the managing bodies of the port for adopting the port governance models they consider most appropriate.

Finally, the Commission recalls that the adoption and implementation of this proposal is also needed for ensuring the smooth and successful implementation of the new TEN-T Guidelines and of the "Connecting Europe Facility" financial instrument as of year 2014.

The Commission hopes that these clarifications address the concerns raised by the Riksdag and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*