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**AVIS DU COMITE DES EVALUATIONS D'IMPACT**

**Communication on a European Ports Policy**

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Brussels, 1 October 2007  
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## Opinion

**Title**                      **Impact Assessment on the Communication on a European Port Policy (2007/TREN/008) (revised draft version of 11 September 2007)**

**Lead DG**                      **DG Transport and Energy**

### **1) Impact Assessment Board Opinion**

#### **(A) Context**

This proposal for a Communication follows withdrawal of the proposal for a Directive on market access to port services (COM (2004) 654), and is presented as one of the sectoral actions foreseen as part of the proposed European Maritime Policy (2007/FISH/001).

The IAB gave on 7 September 2007 an opinion on a previous draft of the present IA report. In line with the recommendation made by the Board, the responsible service resubmitted a revised version of the IA report. The present opinion thus updates and replaces the IAB opinion issued on 7 September.

#### **(B) Positive aspects**

The resubmitted version of the IA report follows most of the IAB recommendations and has been significantly improved regarding the presentation of the options and their impacts, which has been clarified and partly reorganised. More clarity has been given also with regard to subsidiarity issues. In line with the Board's recommendations the views of consulted stakeholders have been described more in detail through the addition of a table summarizing their positions.

#### **(C) Main recommendations for improvements**

*The recommendations below are listed in order of descending importance. Some more technical comments will be transmitted directly to the author DG.*

**General recommendation: The IA report is an improvement on the previous version examined by the Board. More clarity has been given with regard to subsidiarity issues, especially concerning port labour and the 'image' of ports. However, the lack of clarity persists with regard to the granting of terminal concessions. The IA should establish a logical relationship between the definition of the option for spatial planning provided in Chapter 4, and the quantitative assessment provided in**

**Chapter 5. It is also unclear what the status would be of the assessment of such far-reaching policies in view of the statement that this issue should be left to Member States and stakeholders.**

**(1) The presentation of options and their impacts should be strengthened.** The IA report would gain considerably in clarity if the total expected impacts could be presented - option by option - for integral policy alternatives and not just by themes. The status of the alternative scenario for spatial planning presented in the report should still be clarified in the light of remarks in section 2.4.1 stating that art. 5 EC Treaty places the responsibility for these issues with the Member States.

**(2) The effects of the presented policy options on workers in ports should be better analysed and presented.** While the report clearly indicates that the objective should be to "promote more flexible employment patterns and social dialogue" it only analyses the costs and benefits of achieving more flexibility without indicating the mechanism by which this should be achieved nor what the rationale is for EU intervention. The analysis of measures addressing skill levels and health and safety requirements needs to be better integrated in the total assessment of the effects on workers and its value added needs to be presented more clearly.

**(3) The relation between the proposal and other current or future EU and national policy initiatives should be better explained.** The IA report should better explain the complementarity between the present initiative and the most relevant elements of the future EU Maritime Policy, and it should deepen the analysis of the impact of proposals concerning connecting transport facilities (such as inland waterways and railways) on the expected effectiveness of policies to promote port development. On environmental issues the report should clarify what concrete deficiencies the current legislative framework has and which changes (other than measures to improve enforcement) would be needed.

#### **(D) Procedure and presentation**

The Inter-service Steering Group appears not to have been sufficiently involved in the impact assessment. The report now summarises the results of stakeholder consultations, but it remains unclear whether the requirements concerning feedback according to the Commission's Minimum Standards for Consultation have been fulfilled.

## **2) IAB scrutiny process**

Reference number	2007/TREN/008 (priority item)
Author DG	TREN-G-2
External expertise used	No
Date of Board Meeting	Written procedure (earlier draft discussed 5 September 2007)
Date of adoption of Opinion	1 October 2007