



European Ports Forum  
11 December 2017

# Regulation 2017/352 – Port Services Regulation

**K.RIGAS, Ports and inland navigation, DG MOVE**

# Key Dates

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



## Key provisions (1)

- Article 3 – Open access is the "default mode" (Recital 11: *In accordance with the general principles set out in the Treaties, providers of port services should be free to provide their services in maritime ports covered by this Regulation*). Article 3 defines "allowable" restrictions – no other restrictions allowed !
- Article 4 – Minimum requirements: transparent, objective, non-discriminatory, proportionate, and relevant to the category and nature of the port service concerned
- Article 6 – limitations of number of providers if clear justification and open selection procedure. Flexibility for smaller ports (indicative thresholds: Bulk < 2.2 mio t & Non-Bulk: 1.5 mio t)

## Key provisions (2)

- Article 11 – Transparency of public funding and separation of accounts for services or dredging publicly funded
- Article 12 – Port service charges for pilots and public services: transparent, non-discriminatory and proportionate to the costs.
- Article 13 – Port infrastructure charges according to the port's own commercial strategy and investment plans.
- Article 15 – Consultation of stakeholders for charging policy and other issues

## Key provisions (2)

- Article 16 – National procedures and authorities to be designated to handle complaints. Exchange of info between MS.
- Article 17 – Relevant authorities. To be defined by MS and communicated
- Article 19 – Penalties. Defined and applied by MS
- Article 21 – Transitional measures. Attention to the dates