



# Update havens in EU beleid en regelgeving

Victor Schoenmakers

3 april 2014 Journée Schadee

# Huidige ontwikkelingen



- Concessions
- Havenbeleid → Port Regulation
- Transport infrastructure → TEN-T en financiering (CEF)

# Concessions Directive



Horizontale Directive

Dus ook voor havens, maar....

(6b) In addition **certain agreements having as their object the right of an economic operator to exploit certain public domains or resources, under private or public law, such as land or any public property notably in the maritime, inland port or airport sector, whereby the State or contracting authority or contracting entity establishes only general conditions for their use without procuring specific works or services should not qualify as concessions within the meaning of this Directive.** This is normally the case of public domain or land lease contracts which generally contain terms concerning entry into possession by the tenant, the use to which the property is to be put, the obligations of the landlord and tenant regarding the maintenance of the property, the duration of the lease and the giving up of possession to the landlord, the rent and the incidental charges to be paid by the tenant.

# Port Regulation



## Onderdelen

- 1) Market access
- 2) Financial transparency & autonomy
- 3) General provisions

## Europese Commissie

- Op 23 mei 2013 voorstel Port Regulation gepubliceerd

## Europees Parlement

- Q1 2014 Amending voorstel door EP rapporteur Fleckenstein (S&D)
- Verdere behandeling EP na verkiezingen (vanaf Q3 2014)

## De Lidstaten (Raad van Ministers)

- FIN, NL, SP, CRO, LIT, DEN ondersteunen voorstel
- UK, IR trekken toegevoegde waarde voorstel in twijfel
- FRA en POL tegen een voorstel

## Committee of the Regions (advies)

## Sociaal en Economisch Committee (advies)

## Op 22 mei 2014 Europees Parlementsverkiezingen in Nederland

# Market access



## a) Freedom to provide services

*Minimum requirements for the provision of port services*

*Public service obligations*

## b) Limitation of the number of providers of port services (concessie model en wetgeving)

## c) Internal operator

**Exemption: this Chapter and the transitional provisions of Article 24 shall not apply to cargo handling services and passenger services.**

# Financial transparency & autonomy



- a) Transparency of financial relations (staatssteun!)
- b) Port service charges
- c) Port infrastructure charges

## General provisions

- a) o.a. supervisory measures!

# Amenderingen door:



Europees Parlement	Raad van Ministers
1. Scope Regulation (loodsendiscussie)	1. Liever Richtlijn dan Verordening
2. Afzwakking supervisory measures	2. Meerderheid wil heldere regels omtrent staatssteun en markttoegang
3. Commerciële rol havenbedrijven borgen	3. 6 lidstaten willen loodsen uit scope
4. Verbinden staatssteun en corporate tax dossiers	





# Thank you for your attention.



**Victor Schoenmakers**  
Port of Rotterdam Authority  
Director European & International Affairs  
[VA.Schoenmakers@portofrotterdam.com](mailto:VA.Schoenmakers@portofrotterdam.com)  
+31 (0) 10 252 14 84