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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

Report on the functioning and effect of the Port Services Regulation

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1. INTRODUCTION

Over 1 000 commercial maritime ports operate along 60 000 km of coastline in the European Union (EU). This makes the EU one of the regions in the world with the largest number of ports. 327¹ of these ports are part of the trans-European transport network – 97 of which are in the ‘core’ network and 230 of which are in the ‘comprehensive’ network.

There are three main objectives of Regulation (EU) 2017/352 of the European Parliament and of the Council (‘the Regulation’)². The first objective is to ensure a framework for the provision of port services. The second objective is to ensure that an appropriate framework is in place to attract necessary investments in all the maritime ports of the trans-European transport network. The third objective is to ensure a European level playing field within and among ports across Europe.

As stated in recital (10), the Regulation does not impose a specific model for the management of maritime ports and does not affect in any way the competence of Member States to provide, in conformity with EU law, non-economic services of general interest. Different port-management models are possible under the Regulation, provided that the framework for the provision of port services and the common rules on financial transparency set out in this Regulation are complied with.

In accordance with Article 20 of the Regulation, the Commission was obliged to submit no later than 24 March 2023 this report to the European Parliament and the Council. For two reasons, it is only possible to provide this report now in 2026: (i) delays incurred in Member States providing the information requested from them; and (ii) slow response rates by stakeholders to a questionnaire³.

This report draws attention to the impact of the Regulation’s implementation. It is intended as a snapshot of the current implementation of the Regulation and its functioning, and also takes into account any progress made as part of the EU Sectoral Social Dialogue Committee in the Port Sector, as required by Article 20 of the Regulation. This report is not an evaluation of the Regulation.

¹ 283 seaports and 44 mixed sea and inland ports.

² Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, OJ L 57, 3.3.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/352/oj>.

³ As part of a support study contracted by the Commission to collect data and consult Member States and relevant stakeholders. The support study is annexed to the present report.

This report is based on:

- notifications from Member States in application of the Regulation;
- the findings of a support study (published together with this report) contracted by the Commission to collect data and consult Member States and relevant stakeholders through questionnaires and targeted interviews;
- exchanges with Member States and maritime industry stakeholders as part of the Commission Expert Group the European Ports Forum⁴;
- exchanges of information with Member State authorities in charge of maritime ports in fulfilment of their obligations to inform the Commission⁵.

Dialogue between the Commission, national authorities in charge of ports and the various stakeholders from the maritime and port sectors takes place within the European Ports Forum (EPF), which is an expert group set up by the Commission.

The EPF was set up as a Commission expert group in May 2017. Its mission is to exchange information and provide advice on port-related matters and in particular to provide advice to the Commission on initiatives to promote and support the uniform implementation of the Regulation.

The EPF is composed of authorities from 27 Member States, other public entities, (e.g. EEA Member States), and 15 organisations that represent the port professions and industries.

The EPF has met 10 times since its creation and has discussed a wide variety of issues of direct interest to the port sector. Since its inception, it has in particular discussed certain key provisions of the Regulation, and most importantly those provisions on: (i) access to the port-services market; (ii) transparency; (iii) charges; (iv) consultations; (v) complaint-handling mechanisms; and (vi) transitional provisions.

In that context, the Commission collected questions on certain provisions of the Regulation and provided indications on how best to address these questions. The questions taken and answers provided are available as an annex to the minutes of the third meeting of the EPF held on 14 December 2018.

Further topics of discussion for the EPF have included: (i) legislative or policy initiatives that have been proposed by the Commission since the inception of the expert group; (ii) funding and financing opportunities for ports; (iii) studies carried out by consultants on behalf of the Commission; (iv) exchanges on examples of good practice in the port sector; (v) feedback from EPF sub-groups; and (vi) general feedback from stakeholders.

In order to gather data on the implementation of the Regulation, the Commission contracted the services of a consultant for an assignment entitled ‘Support Study for The Report on The

⁴ European Ports Forum (E03542), <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=3542>.

⁵ As required by Articles 16 (Handling of complaints), 17 (Relevant authorities) and 19 (Penalties) of the Regulation.

Implementation of The Regulation Establishing a Framework for The Provision of Port Services and Common Rules on The Financial Transparency of Ports (EU) 2017/352'⁶.

The purpose of the assignment was to develop an overview to support this implementation report by means of both: (i) targeted questionnaires for Member States, port-managing bodies, port-service providers and shipping companies; and (ii) targeted interviews of port-managing bodies and port-service providers. The fact-finding study shows a snapshot of the implementation of the Regulation.

The study covers the period between January 2023 and April 2024. It had an original duration of 12 months but was extended due to the slow response rate to the questionnaires by a number of Member States and stakeholders.

In this context, the authorities of 8 out of the 22 maritime Member States – more than one third – did not respond to the questionnaires, despite several reminders, including by the Commission. The same lack of response was an issue with the stakeholders. Port-managing bodies from 10 Member States – that is, nearly half of them – did not reply at all to the questionnaire and a further 6 replied only partially. The picture was more encouraging for port-service providers. There were still insufficient replies received from 7 Member States, but complete sets of replies were received from their representatives in 15 Member States.

As highlighted in the maps included in the support study, the overall response rate was unbalanced, with some Member States or stakeholders providing only partial responses or not providing any response at all, despite repeated requests for feedback by both the consultant and the Commission. As a consequence, the representativeness of the study findings is to be taken with caution.

2. IMPLEMENTATION OF THE REGULATION BY CHAPTER

2.1. Chapter I: Subject matter, scope and definitions

Chapter I of the Regulation, which comprises **Articles 1 and 2**, sets the general framework of the Regulation.

Article 1 of the Regulation (subject matter and scope)

On geographical scope, the Regulation applies to all maritime ports of the trans-European transport network, as listed in Annex II to Regulation (EU) No 1315/2013 (now replaced by Regulation (EU) 2024/1679)⁷.

⁶ European Commission: Directorate-General for Mobility and Transport, *Support study for the Report on the implementation of the Regulation establishing a framework for the provision of port services and common rules on the financial transparency of ports (EU) 2017/352*, Publications Office of the European Union, 2026, ISBN: 978-92-68-36569-4, https://op.europa.eu/publication/manifestation_identifier/PUB_MI0126001ENN.

⁷ Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013, OJ L 2024/1679, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1679/oj>.

However, under Article 1(5) of the Regulation, Member States may decide not to apply the Regulation to maritime ports in the ‘comprehensive’ network located in the outermost regions. Portugal made such a notification. Equally, Member States are allowed to decide to apply the Regulation to maritime ports that are not on the trans-European transport network⁸. The Regulation is thus currently applicable to all 97 core network ports and 230 ‘comprehensive’ network ports.

On its **material scope**, the Regulation applies in full to the provision of the following categories of port services, either inside the port area or on the waterway access to the port: (i) bunkering; (ii) mooring; (iii) collection of ship-generated waste and cargo residues; and (iv) towage.

Article 2 of the Regulation (definitions)

Some Member States and stakeholders submitted questions on the interpretation of several of the definitions contained in Article 2. The questions and answers were shared by the Commission as part of the work of the EPF as mentioned above.

2.2. Chapter II: Provision of port services

Chapter II of the Regulation, which comprises **Articles 3 to 10**, contains rules pertaining to the provision of port services, namely: (i) the organisation of port services; (ii) minimum requirements for the provision of port services; (iii) procedures to ensure compliance with the minimum requirements; (iv) limitations on the number of providers of port services; (v) public-service obligations; (vi) internal operators; (vii) the safeguarding of employees’ rights; and (viii) exemptions.

Article 3 of the Regulation (the organisation of port services)

This Article broadly outlines the rules pertaining to the organisation of port services as developed in subsequent articles. These rules cover issues such as: (i) minimum requirements; (ii) limitations on the number of providers; (iii) public-service obligations; and (iv) restrictions related to internal operators.

The study finds that minimum requirements were the condition most frequently applied to port services, followed by limitations on the number of providers and public-service obligations. Restrictions related to internal operators were only marginally applied, if ever. However, most of these conditions were already in force before the application of the Regulation. These conditions were mostly applied by the managing bodies of the port, as most Member States, with two exceptions, did not impose any of these conditions.

⁸ To date, no Member State has made such a notification.

Article 4 of the Regulation (minimum requirements for the provision of port services)

The study finds that all port-service providers that replied to the survey stated that they must comply with minimum requirements. Most of the providers that replied to the survey said that the application of the Regulation had not introduced changes to these requirements. With some exceptions, all managing bodies of ports applied minimum requirements for the performance of port services.

Invoking Article 4(3) of the Regulation, three Member States – France, Italy and Spain – informed the Commission of their decision to impose a ‘national flag’ requirement for waterborne vessels predominantly used for towage operations in ports located on their territories (i.e. towage vessels had to be registered under the flag of the country in which they provided services). Subsequently, the Commission received a complaint about the implementation of Article 4(3) of the Regulation against one of those Member States. The Commission subsequently opened infringement proceedings against the three Member States relating to this ‘national flag’ requirement: INFR(2025)2080 – France, INFR(2025)2081 – Italy and INFR(2025)4021– Spain.

Article 5 of the Regulation (procedure to ensure compliance with the minimum requirements)

The study finds that the vast majority of port-service providers responded that they had received a response to their request to provide the port service in less than one month. In two cases, port-service providers reported a refusal to their request to provide the port service on the basis of minimum requirements.

Article 6 of the Regulation (limitations on the number of providers of port services)

Making use of Article 6(1) of the Regulation, Portugal decided⁹ to grant its ports in the ‘comprehensive’ network (which do not comply with the criteria of Article 20(2)(b) of Regulation (EU) No 1315/2013¹⁰) the power to limit the number of service providers in relation to a given port service.

The study found that approximately half of the respondents among managing bodies of the ports have decided to impose such restrictions and approximately half have not imposed any such requirements. All managing bodies of the ports that stated that they have limitations in place indicated that these limitations were already in place before the application of the Regulation. Generally, bunkering is the least limited port service, while the services that are most limited are pilotage and towage, including through the imposition of a ‘national flag’ requirement for tugboats. The main reasons given by managing bodies for imposing limitations relate to the performance of public-service obligations and the need to ensure safe, secure or environmentally sustainable port operations. Some managing bodies of ports provide some of the port services themselves or through an entity under their control, and some managing bodies of the port decided to limit the number of providers to one.

⁹ Decree-Law No 9/2022 of 11 January 2022.

¹⁰ Now Article 25(4)(b) of Regulation (EU) 2024/1679.

Article 7 of the Regulation (public-service obligations)

The study finds that two Member States – Belgium and Portugal – have entrusted the right to impose public-service obligations to the managing bodies of the port. In addition, one Finnish and one Italian port also impose public-service obligations. In this respect, pilotage, towage, mooring and collection of waste have the most public-service obligations.

Article 8 of the Regulation (internal operator)

The study finds that in one Member State (Denmark) internal operators¹¹ are relatively common, and there are also a few internal operators for some port services in a few ports in Belgium, Croatia, Germany, Italy, Latvia and Portugal. The port services that have been reported as being performed by internal operators are all port services covered by the Regulation, without any particular port service standing out for the number of occurrences.

Article 9 of the Regulation (safeguarding employees' rights)

The study finds that most managing bodies of ports already required a guarantee of appropriate staff working conditions before the application of the Regulation, and four ports went so far as to transfer the rights and obligations of an outgoing provider of port services to the new provider.

Article 10 of the Regulation (exemptions)

Chapter II (on the provision of port services) and Article 21 (on transitional measures) of the Regulation do not apply to cargo-handling, passenger services or pilotage. Nevertheless, according to Article 10(2) of the Regulation, Member States may decide to apply both Chapter II and Article 21 to pilotage. One Member State, Slovenia, has made use of this possibility¹².

2.3. Chapter III: Financial transparency and autonomy

Chapter III of the Regulation, which comprises **Articles 11 to 13**, contains rules pertaining to: (i) the transparency of financial relations between public authorities and a managing body of a port; (ii) port-service charges; and (iii) port-infrastructure charges.

It is worth noting that although Article 10(1) excludes cargo-handling, passenger services and pilotage from the scope of application of Chapter II, these three services are all covered by the provisions of Chapter III.

¹¹ The managing body of the port, or the competent authority, may decide either to provide a port service itself or to do so through a legally distinct entity over which it exercises a degree of control similar to that which it has over its own departments.

¹² Uradni list RS (Official Gazette of the Republic of Slovenia) No 11/20.

Article 11 of the Regulation (transparency of financial relations)

The study finds that since the adoption of the Regulation one managing body of a port and several port-service providers made adaptations to their accounting systems. Financial transparency for both port-managing bodies and port-service providers is guaranteed through the publication of annual accounts or reports, as well as through audits or submissions to designated government entities. There is more detailed information provided in the support study on: (i) the separation of public funds received for the provision of port services or dredging activities from funds allocated for other activities (Article 11(2) of the Regulation); (ii) complaints (Article 11(5) of the Regulation); (iii) new public funds (Article 11(6) of the Regulation); (iv) compensation for public-service obligations (Article 11(7) of the Regulation); and (iv) the option – not used by any Member State – not to apply Article 11(2) to their ‘comprehensive’ network ports (Article 11(8) of the Regulation). The study has shown that the requirements for accounting separation have been effective.

Article 12 of the Regulation (port-service charges)

The study finds that about one third of the port-managing bodies that responded to the survey indicated that port-service charges are integrated into other payments. Port-service providers confirmed that port-service charges are generally not included in other payments, as clients pay port-service charges directly to the service provider. There were very few formal complaints during the period between January 2023 and April 2024 to the relevant authorities in Member States related to port-service charges or requests to provide information to the relevant authority.

Article 13 of the Regulation (port-infrastructure charges)

The study finds that, for the vast majority of port-service providers, port-infrastructure charges are easily identifiable. Variations in port-infrastructure charges for the reasons stated in Article 13(4) were introduced by five managing bodies of ports since the adoption of the Regulation. By contrast, nearly three quarters of port-service providers that responded declared that port-infrastructure charges had been changed during this period and in almost all cases these changes were communicated in due time. In addition, in three instances feedback from consulted stakeholders suggested that port-infrastructure charges were not aligned with the principles of transparency laid down in the Regulation. In virtually all cases, port-infrastructure charges are made public. Finally, in relation to complaints related to port-infrastructure charges received by national authorities, one quarter of managing bodies of a port stated that they were asked to provide information to the relevant authority.

2.4. Chapter IV: General and final provisions

Chapter IV of the Regulation, which comprises **Articles 14 to 22**, contains rules pertaining to: (i) the training of staff; (ii) the consultation of port users and other stakeholders; (iii) the handling of complaints; (iv) relevant authorities; (v) appeals; and (vi) penalties.

Article 14 of the Regulation (training of staff)

The study finds that four port-service providers had to alter their practices regarding the training of staff since the application of the Regulation.

Article 15 of the Regulation (consultation of port users and other stakeholders)

The study finds that almost all managing bodies of a port consulted with port users and stakeholders before the application of the Regulation. Four Danish ports declared that they do not consult stakeholders. With the exception of spatial planning, in nearly all categories of reasons for consultation, the number of consultations has increased since the application of the Regulation. This increase has been most notable in measures to ensure safety in the port area, including, where appropriate, the health and safety of port workers. The study has shown that the consultation requirement contained in Article 15 of the Regulation has been effective.

Article 16 of the Regulation (handling of complaints)

Articles 16, 17 and 19 require Member States to inform the Commission of their national complaint-handling procedures and bodies (Article 16), relevant authorities (Article 17) and penalties system (Article 19).

By 24 March 2019, Member States were required to inform the Commission of: (i) their procedure for handling complaints; and (ii) their authorities in charge of handling complaints (Article 16(7) of the Regulation).

By the deadline of 24 March 2019, 8 out of the-then 23 maritime Member States¹³ had fulfilled their complete notification obligations. By October 2019, 14 maritime Member States had fulfilled their complete notification obligations, and the Commission addressed a letter to the remaining maritime Member States reminding them of their notification obligations. By June 2020, a total of 16 Member States had fulfilled their complete notification obligations. By that time, three additional Member States had only partially fulfilled their notification obligations. The Commission therefore initiated several infringement procedures, which were subsequently closed once the Member States had fulfilled their notification obligations or addressed the grievances on substance¹⁴.

¹³ i.e. Member States with at least one maritime port.

¹⁴ In July 2020, the Commission initiated infringement proceedings against four Member States that by that time had not fulfilled any of their notification obligations: INFR(2020)2210 – Belgium, INFR(2020)2211 – Cyprus, INFR(2020)2212 – the Netherlands and INFR(2020)2213 – Portugal. By December 2022, all four Member States had fulfilled all of their notification obligations and by April 2023 the corresponding infringement cases had been closed.

In June 2021, the Commission initiated infringement proceedings against three Member States that by that time had only partially fulfilled their notification obligations: INFR(2021)2042 – Croatia, INFR(2021)2043 – Italy and INFR(2021)2044 – Slovenia. By November 2021, two of those Member States had fulfilled all of their notification obligations and by May 2022, the corresponding infringement cases were closed. The last remaining infringement procedure was closed in December 2025.

At the date of publication of this report, all maritime Member States have completed their notification obligations¹⁵.

According to the information received from the Member States, complaint-handling bodies can be grouped into different categories: (i) regulatory authorities in charge of transport; (ii) maritime authorities; (iii) competition or consumer or market authorities; (iv) ministries in charge of transport policy; and even (v) bodies specifically created to handle port-related complaints.

After performing conformity checks of the received notifications, in July 2023, the Commission initiated infringement proceeding INFR(2021)2041 against Germany for: (i) not identifying the complaints-handling bodies for ports in some of its regions; (ii) not identifying with the required level of certainty the complaints-handling bodies for ports in other German regions; and (iii) the fact that the nominated complaints-handling bodies were not in conformity with the requirements under Article 16(2) of the Regulation. After Germany addressed the grievances, the infringement procedure was closed in May 2025.

The study finds that six managing bodies of a port have been the subject of complaints. Port services have also been the subject of complaints, including specifically from shipowners. It is noteworthy that, according to the feedback received from Member States as part of the support study, only three Member States – Denmark, Ireland and Sweden – have informed the Commission of the complaints they received. In most Member States, the complaints-handling form is available in the local language and in English. On the exchange of information about the application of Article 16 (which covers the handling of complaints), the support study reports such cooperation between Denmark and Sweden, as well as between Poland and Slovenia. The Commission encourages such cooperation, in line with Article 16(8) of the Regulation. In line with Article 16(7), the Commission has published the information received from Member States regarding their complaints-handling bodies¹⁶.

Article 17 of the Regulation (relevant authorities)

Member States were also required by the Regulation to ensure that port users and other relevant stakeholders are informed of the relevant authorities referred to in: (i) Article 11(5) (in the context of complaints about transparency of financial relations); (ii) Article 12(3) (in the context of complaints about port-service charges); and Article 13(6) (in the context of complaints about port-infrastructure charges) and that Member States must inform the Commission of those authorities. This information has been published by the Commission¹⁷.

According to the information received from the Member States, types of relevant authorities include: (i) regulatory authorities in charge of transport; (ii) maritime authorities; (iii) ministries in charge of transport or port policy; or where relevant; (iv) other ministries, competition authorities or port-specific bodies for handling complaints.

¹⁵ The following website provides an overview of the notifications:

https://transport.ec.europa.eu/transport-modes/maritime/ports/port-services-regulation_en

¹⁶ https://transport.ec.europa.eu/transport-modes/maritime/ports/port-services-regulation_en

¹⁷ https://transport.ec.europa.eu/transport-modes/maritime/ports/port-services-regulation_en

Article 18 of the Regulation (appeals)

The study was unable to retrieve information on appeals against the decisions or individual measures taken under the Regulation by the managing body of the port, the competent authority, or any other relevant national authority.

Article 19 of the Regulation (penalties)

Member States were required under the Regulation to: (i) lay down the rules on effective, proportionate and dissuasive penalties applicable to infringements of the Regulation; and (ii) take all measures necessary to ensure that those rules are implemented. Member States were also required to notify those measures to the Commission. However, unlike for the rules on handling complaints and notifying the Commission of relevant authorities, there is no publication requirement by the Commission with respect to penalties. The support study did not uncover any further information.

Article 20 of the Regulation (Report - Progress made in the framework of the EU Sectoral Social Dialogue Committee in the Port Sector)

In addition to the submission of this report to the European Parliament and the Council on the functioning and effect of the Regulation, Article 20 of the Regulation requires this report to take into account any progress made as part of the EU Sectoral Social Dialogue Committee in the Ports Sector. Since the entry into force of the Regulation, 22 meetings of the Sectoral Social Dialogue Committee in the Ports Sector took place. A major achievement among social partners meeting in this committee is the agreement reached in 2023 on training for port workers in relation to fumigated containers. The EU Sectoral Social Dialogue Committee in the Ports Sector also discussed: (i) the impact of technological changes on the sector; (ii) the impact of EU competition policy, including the Consortia Block Exemption Regulation on the sector; (iii) guidelines on accident prevention in ports; (iv) safety on board; (v) skills and training; (vi) women and young people in the port sector; (vii) EU requirements for the safe loading and unloading of bulk carriers; (viii) maritime safety; (ix) the impact of the extension of the emissions-trading system to the maritime transport sector; and (x) a European port strategy.

In the run-up to the meeting of the EU Sectoral Social Dialogue Committee for Ports on 5 February 2026, the three EU-level organisations representing port workers stated their view that the social dialogue at EU level had produced limited tangible outcomes and informed the Commission and the other recognised social partners of their decision to withdraw from the Committee. The Commission took note of the decision, while remaining committed to social dialogue and the consultation of social partners to ensure the involvement of all stakeholders in policy development.

Article 21 of the Regulation (transitional measures)

This Article contains rules on **transitional measures**, which state that:

- the Regulation does not apply to port-service contracts concluded before 15 February 2017 and which are limited in time;

- port-service contracts concluded before 15 February 2017 which are not limited in time, or have similar effects, must be amended in order to comply with the Regulation by 1 July 2025.

The study finds that seven port authorities declared that they did not have any port-service contracts that were concluded before 15 February 2017 and were limited in time or were in force at the moment of the entry into force of the Regulation. On the other hand, other port-managing bodies declared that they had such contracts for certain types of port services. One fifth of port-service providers responding declared that they had a contract that concluded before the entry into force of the Regulation and that was limited in time. None of the managing bodies had any port-service contracts concluded before 15th February 2017 that were not limited in time. However, a few port-service providers had such contracts, mostly with a grace period in order to comply with the Regulation. The fact-finding study revealed that one Member State had such contracts in place for all pilotage companies operating in that one Member State. It is recalled that under Article 21(2) of the Regulation, port-service contracts concluded before 15 February 2017 which are not limited in time, or have similar effects, should have been amended in order to comply with the Regulation by 1 July 2025.

Article 22 of the Regulation (entry into force)

Finally, this Article contains a two-year **deferral of the application date** of the Regulation from its date of entry into force, meaning that it came into application only on 24 March 2019.

3. AMENDMENTS TO THE REGULATION AND THEIR IMPLEMENTATION

Since its adoption on 14 February 2017, one applicable amendment has been made to the Regulation, namely Regulation (EU) 2020/697 of the European Parliament and of the Council¹⁸, which enabled managing bodies or competent authorities to provide flexibility until October 2020 in respect of the levying of port-infrastructure charges because of the COVID-19 outbreak.

In accordance with Article 1 of Regulation (EU) 2020/697, the managing body of the port or the competent authority may decide to waive, suspend, reduce or defer the payment of port-infrastructure charges due for the period from 1 March 2020 to 31 October 2020.

According to data gathered by the support study, five Member States for all ports in their country, six managing bodies of the port and one competent authority made use of the above-mentioned possibilities granted by Article 1 of Regulation (EU) 2020/697. The details of the measures implemented can be found in the support study.

¹⁸ Regulation (EU) 2020/697 of the European Parliament and of the Council of 25 May 2020 amending Regulation (EU) 2017/352, so as to allow the managing body of a port or the competent authority to provide flexibility in respect of the levying of port-infrastructure charges in the context of the COVID-19 outbreak, OJ L 165, 27.5.2020, p. 7, ELI: <http://data.europa.eu/eli/reg/2020/697/oj>.

4. CONCLUSION

Since the adoption of the Regulation nine years ago, the Regulation has been gradually implemented with some delays.

Prior to the application of the Regulation, Member States and stakeholders identified the need to receive advice from the Commission on a number of provisions to clarify their meaning. The Commission provided this guidance in 2018 in order to help the proper implementation of the Regulation. There was a limited number of complaints and infringement procedures linked to the incorrect application of the Regulation.

On enforcement, the Commission's enforcement action has focused on Member States' notification obligations. This has included, when needed, launching a number of infringement procedures that have all produced the desired effect of ensuring compliance with Member States' notification obligations.

Regulation (EU) 2020/697 granted the managing body of the port or the competent authority the possibility to waive, suspend, reduce or defer the payment of port-infrastructure charges due for the period from 1 March 2020 to 31 October 2020 in the context of the COVID-19 pandemic. This temporary possibility was hardly used by European ports, and it was not considered necessary to prolong the measure.

The Commission considers, overall, that the implementation of the EU framework for the provision of port services and common rules on the financial transparency of ports is in line with the objectives set out in the Regulation and is satisfactory.

The Commission will nevertheless continue to work with Member States and stakeholders to monitor its correct application in the 327 ports of the trans-European transport network.