

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 (Text with EEA relevance)

CHAPTER IV **U.K.**

GENERAL AND FINAL PROVISIONS

Article 14 **U.K.**

Training of staff

Providers of port services shall ensure that employees receive the necessary training to acquire the knowledge which is essential for their work, with particular emphasis on health and safety aspects, and that training requirements are regularly updated to meet the challenges of technological innovation.

Article 15 **U.K.**

Consultation of port users and other stakeholders

1 The managing body of the port shall, in accordance with applicable national law, consult port users on its charging policy, including in cases covered by Article 8. Such consultation shall include any substantial changes to the port infrastructure charges and port service charges in cases where internal operators provide port services under public service obligations.

2 The managing body of the port shall, in accordance with applicable national law, consult port users and other relevant stakeholders on essential matters within its competence regarding:

- a the coordination of port services within the port area;
- b measures to improve connections with the hinterland, including measures to develop and improve the efficiency of rail and inland waterways transport;
- c the efficiency of administrative procedures in the port and measures to simplify them;
- d environmental matters;
- e spatial planning; and
- f measures to ensure safety in the port area, including, where appropriate, health and safety of port workers.

3 The providers of port services shall make available to port users adequate information about the nature and level of the port service charges.

4 The managing body of the port and providers of port services shall respect the confidentiality of commercially sensitive information when carrying out their obligations under this Article.

Status: Point in time view as at 28/05/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2017/352 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 16 **U.K.**

Handling of complaints

1 Each Member State shall ensure that an effective procedure is in place to handle complaints arising from the application of this Regulation for its maritime ports covered by this Regulation.

2 The handling of complaints shall be carried out in a manner which avoids conflicts of interest and which is functionally independent of any managing body of the port or providers of port services. Member States shall ensure that there is effective functional separation between the handling of complaints, on the one hand, and the ownership and management of ports, provision of port services and port use, on the other hand. The handling of complaints shall be impartial and transparent, and shall duly respect the right to freely conduct business.

3 Complaints shall be filed in the Member State of the port where the dispute is presumed to have its origin. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint and which authorities are responsible for handling complaints.

4 The authorities responsible for handling complaints shall, where appropriate, cooperate for the purposes of mutual assistance in disputes involving parties established in different Member States.

5 The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to require managing bodies of the ports, providers of port services and port users to provide them with information relevant to a complaint.

6 The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to take decisions that have binding effect, subject to judicial review, where applicable.

7 Member States shall inform the Commission of the procedure for the handling of complaints and of the authorities referred to in paragraph 3 by 24 March 2019 and, subsequently, of any changes to that information. The Commission shall publish and regularly update such information on its website.

8 Member States shall, where appropriate, exchange general information about the application of this Article. The Commission shall support such cooperation.

Article 17 **U.K.**

Relevant authorities

Member States shall ensure that port users and other relevant stakeholders are informed of the relevant authorities referred to in Articles 11(5), 12(3) and 13(6). Member States shall also inform the Commission of those authorities by 24 March 2019 and, subsequently, of any changes to that information. The Commission shall publish and regularly update such information on its website.

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Article 18 **U.K.**

Appeals

1 Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the managing body of the port, the competent authority, or any other relevant national authority. Appeal bodies shall be independent of the parties involved and may be courts.

2 Where the appeal body referred in paragraph 1 is not judicial in character, it shall give reasons in writing for its decisions. Its decisions shall also be subject to review by a national court.

Article 19 **U.K.**

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those measures to the Commission by 24 March 2019 and shall without delay notify it of any subsequent amendment affecting them.

Article 20 **U.K.**

Report

The Commission shall, no later than 24 March 2023, submit a report to the European Parliament and the Council on the functioning and effect of this Regulation.

That report shall take into account any progress made in the framework of the EU Sectoral Social Dialogue Committee in the Port Sector.

Article 21 **U.K.**

Transitional measures

1 This Regulation shall not apply to port service contracts which were concluded before 15 February 2017 and are limited in time.

2 Port service contracts concluded before 15 February 2017 which are not limited in time, or have similar effects, shall be amended in order to comply with this Regulation by 1 July 2025.

^[F13] Notwithstanding Article 13(1), (3) and (4), the managing body of the port or the competent authority may decide to waive, to suspend, to reduce or to defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 October 2020. Member States may decide that such decisions shall respect the requirements set to that end in national law. The waiver, suspension, reduction or deferral of the payment of port infrastructure charges shall be granted in a transparent, objective and non-discriminatory way.

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The managing body of the port or the competent authority shall ensure that port users and the representatives or associations of port users are informed accordingly. The time limit of two months referred to in Article 13(5) shall not apply.]

Textual Amendments

- F1** Inserted by [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 \(Text with EEA relevance\).](#)

Article 22 **U.K.**

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 24 March 2019.

Status:

Point in time view as at 28/05/2020.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2017/352 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.