

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 I

**SUBJECT MATTER, SCOPE AND DEFINITIONS**

*Article 1*

**Subject matter and scope**

- 1 This Regulation establishes:
  - a a framework for the provision of port services;
  - b common rules on financial transparency and on port service and port infrastructure charges.
- 2 This Regulation applies to the provision of the following categories of port services ('port services'), either inside the port area or on the waterway access to the port:
  - a bunkering;
  - b cargo-handling;
  - c mooring;
  - d passenger services;
  - e collection of ship-generated waste and cargo residues;
  - f pilotage; and
  - g towage.
- 3 Article 11(2) also applies to dredging.
- 4 This Regulation applies to all maritime ports of the trans-European transport network, as listed in Annex II to Regulation (EU) No 1315/2013.
- 5 Member States may decide not to apply this Regulation to maritime ports of the comprehensive network located in the outermost regions referred to in Article 349 of the Treaty on the Functioning of the European Union. Where Member States decide not to apply this Regulation to such maritime ports, they shall notify such decision to the Commission.
- 6 Member States may also apply this Regulation to other maritime ports. Where Member States decide to apply this Regulation to other maritime ports, they shall notify their decision to the Commission.
- 7 This Regulation is without prejudice to Directives 2014/23/EU<sup>(1)</sup> and 2014/24/EU<sup>(2)</sup> of the European Parliament and of the Council and Directive 2014/25/EU.

*Article 2*

**Definitions**

For the purposes of this Regulation:

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**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) View outstanding changes

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- (1) ‘bunkering’ means the provision of solid, liquid or gaseous fuel or of any other energy source used for the propulsion of the waterborne vessel as well as for general and specific energy provision on board of the waterborne vessel whilst at berth;
- (2) ‘cargo-handling’ means the organisation and handling of cargo between the carrying waterborne vessel and the shore, whether it be for import, export or transit of the cargo, including the processing, lashing, unlashings, stowing, transporting and temporary storage of the cargo on the relevant cargo-handling terminal and directly related to the transporting of the cargo, but excluding, unless the Member State determines otherwise, warehousing, stripping, repackaging or any other value added services related to the cargo;
- (3) ‘competent authority’ means any public or private body which, on behalf of a local, regional or national level, is entitled to carry out, under national law or instruments, activities related to the organisation and administration of port activities, in conjunction with or instead of the managing body of the port;
- (4) ‘dredging’ means the removal of sand, sediment or other substances from the bottom of the waterway access to the port, or within the port area that falls within the competence of the managing body of the port, including the disposal of the removed materials, in order to allow waterborne vessels to have access to the port; it comprises both the initial removal (capital dredging) and the maintenance dredging carried out in order to keep the waterway accessible, whilst not being a port service offered to the user;
- (5) ‘managing body of the port’ means any public or private body which, under national law or instruments, has the objective of carrying out, or is empowered to carry out, at a local level, whether in conjunction with other activities or not, the administration and management of the port infrastructure and one or more of the following tasks in the port concerned: the coordination of port traffic, the management of port traffic, the coordination of the activities of the operators present in the port concerned, and the control of the activities of the operators present in the port concerned;
- (6) ‘mooring’ means the berthing and unberthing services, including shifting along the quayside, that are required for the safe operation of a waterborne vessel in the port or in the waterway access to the port;
- (7) ‘passenger services’ means the organisation and handling of passengers, their luggage and their vehicles between the carrying waterborne vessel and the shore, and also includes the processing of personal data and the transport of passengers inside the relevant passenger terminal;
- (8) ‘pilotage’ means the guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for safe entry or exit of the waterborne vessel in the waterway access to the port or safe navigation within the port;
- (9) ‘port infrastructure charge’ means a charge levied, for the direct or indirect benefit of the managing body of the port or of the competent authority, for the use of infrastructure, facilities and services, including the waterway access to the port concerned, as well as access to the processing of passengers and cargo, but excluding land lease rates and charges having equivalent effect;
- (10) ‘collection of ship-generated waste and cargo residues’ means the reception of ship-generated waste and cargo residues by any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues as defined in Directive 2000/59/EC of the European Parliament and of the Council<sup>(3)</sup>;

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- (11) ‘port service charge’ means a charge levied for the benefit of the provider of port services and paid by the users of the relevant service;
- (12) ‘port service contract’ means a formal and legally binding agreement or an act of equivalent legal effect between a provider of port services and a managing body of the port, or a competent authority, having as its subject-matter the provision of one or more port services, without prejudice to the form of designating providers of port services;
- (13) ‘provider of port services’ means any natural or legal person providing, or wishing to provide, for remuneration one or more categories of port services;
- (14) ‘public service obligation’ means a requirement defined or determined in order to ensure the provision of those port services or activities of general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions;
- (15) ‘short sea shipping’ means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe;
- (16) ‘maritime port’ means an area of land and water made up of such infrastructure and equipment so as to permit, principally, the reception of waterborne vessels, their loading and unloading, the storage of goods, the receipt and delivery of those goods and the embarkation and disembarkation of passengers, crew and other persons and any other infrastructure necessary for transport operators within the port area;
- (17) ‘towage’ means the assistance given to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port or safe navigation within the port by providing assistance to the manoeuvring of the waterborne vessel;
- (18) ‘waterway access’ means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords, provided that such waterway falls within the competence of the managing body of the port.

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- (1) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts ([OJ L 94, 28.3.2014, p. 1](#)).
- (2) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ([OJ L 94, 28.3.2014, p. 65](#)).
- (3) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ([OJ L 332, 28.12.2000, p. 81](#)).

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**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.R. 2020/276 reg. 16](#)
- Signature words omitted by [S.I. 2020/671 reg. 17](#)
- Art. 2(2) words substituted by [S.R. 2020/276 reg. 4\(a\)](#)
- Art. 2(2) words substituted by [S.I. 2020/671 reg. 5\(a\)](#)
- Art. 2(10) words inserted by [S.R. 2020/276 reg. 4\(c\)](#)
- Art. 2(10) words substituted by [S.R. 2020/276 reg. 4\(b\)](#)
- Art. 2(10) words substituted by [S.I. 2020/671 reg. 5\(b\)](#)
- Art. 2(14A)(14B) inserted by [S.I. 2020/671 reg. 5\(c\)](#)
- Art. 4(2)(f) word omitted by [S.I. 2020/671 reg. 7\(a\)\(i\)](#)
- Art. 4(2)(f) words omitted by [S.R. 2020/276 reg. 6\(a\)\(i\)](#)
- Art. 4(2)(g) words substituted by [S.R. 2020/276 reg. 6\(a\)\(ii\)](#)
- Art. 4(2)(g) words substituted by [S.I. 2020/671 reg. 7\(a\)\(ii\)](#)
- Art. 6(1)(e) words substituted by [S.R. 2020/276 reg. 7\(a\)\(i\)](#)
- Art. 6(1)(e) words substituted by [S.R. 2020/276 reg. 7\(a\)\(ii\)](#)
- Art. 6(1)(e) words substituted by [S.R. 2020/276 reg. 7\(a\)\(iii\)](#)
- Art. 6(1)(e) words substituted by [S.I. 2020/671 reg. 8\(a\)\(i\)](#)
- Art. 6(1)(e) words substituted by [S.I. 2020/671 reg. 8\(a\)\(ii\)](#)
- Art. 6(1)(e) words substituted by [S.I. 2020/671 reg. 8\(a\)\(iii\)](#)