

EXPLANATORY MEMORANDUM TO

The Port Services (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

S.R. 2020 No: 276

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 11 of, and paragraph 1(1) of Schedule 2 to, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule is being made to address the deficiencies in Regulation (EU) 2017/352 ("the Port Services Regulation") arising from the United Kingdom's (UK) exit from the European Union.

3. Background

- 3.1. The EU Port Services Regulation establishes a framework for the provision of port services and common rules on financial transparency concerning port services and port infrastructure charges in EU Member States. The services covered by the EU Port Services Regulation are bunkering (provision of fuel), cargo-handling, mooring, passenger services, collection of ship-generated waste and cargo residues, pilotage and towage. Dredging is only covered to the extent that the EU Port Services Regulation requires ports to keep separate accounts of public funding received for dredging.
- 3.2. The amendments in this Rule are intended to ensure that the EU Port Services Regulation will continue to function effectively after the end of the implementation period for the withdrawal of the UK from the EU. In the absence of these amendments some of the legislation, which was drafted in the context of the UK's membership of the EU, would either lack clarity or fail to operate effectively after the implementation period completion day.
- 3.3. The amendments in this Rule addresses deficiencies in the EU Port Services Regulation which arise as a result of the UK's withdrawal from the EU. For example, the obligations of Member States are being amended so that these obligations transfer to the Department and the notification requirements to the European Commission are being removed as they will not apply after the implementation period completion day.

4. Consultation

- 4.1. No formal consultation has been undertaken, as the Rule is of a purely technical nature, maintains the regulatory status quo and ensures that those to whom the amended Regulation applies are able to operate within the

existing legislative regime after the implementation period completion day.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the Statutory Rule. The Department does not consider there is a need for an Equality Impact Assessment.

6. Regulatory Impact

- 6.1. The Department conducted a screening exercise and found a Regulatory Impact Assessment is not necessary as there is no impact on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The proposed Rule has been subject to checks in relation to section 24 and no effects on Community Law or Convention Rights have been identified.

9. EU Implications

- 9.1. The aim of this Rule is to address deficiencies in the EU Port Services Regulation which arise as a result of the UK's withdrawal from the EU.

10. Parity or Replicatory Measure

- 10.1. This Rule replicates similar Regulations being made by the Department for Transport, London.

11. Additional Information

- 11.1. Not applicable.