

---

STATUTORY INSTRUMENTS

---

**2020 No. 671**

**The Pilotage and Port Services  
(Amendment) (EU Exit) Regulations 2020**

**PART 3**

Amendment of retained direct EU legislation

**Regulation (EU) 2017/352 of the European Parliament and of the Council**

3. Regulation (EU) 2017/352 of the European Parliament and of the Council of 15th February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports is amended as follows.

4. In Article 1—

- (a) in paragraph 4, after “all” insert “United Kingdom”;
- (b) omit paragraphs 5 and 6;
- (c) in paragraph 7, for “Directives [2014/23/EU](#) and [2014/24/EU](#) of the European Parliament and of the Council and [Directive 2014/25/EU](#)” substitute “the Concession Contracts Regulations 2016(1), the Concession Contracts (Scotland) Regulations 2016(2), the Public Contracts Regulations 2015(3), the Public Contracts (Scotland) Regulations 2015(4), the Utilities Contracts Regulations 2016(5) and the Utilities Contracts (Scotland) Regulations 2016(6)”.

5. In Article 2—

- (a) in paragraph (2), for “Member State” substitute “relevant authority”;
- (b) in paragraph (10), for “[Directive 2000/59/EC](#) of the European Parliament and of the Council” substitute “regulation 2(1) of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(7)”;
- (c) after paragraph (14) insert—
  - “(14A) ‘relevant authority’ means—
  - (a) in the case of ports in England and reserved trust ports, the Secretary of State;
  - (b) in the case of ports in Wales except reserved trust ports, the Welsh Ministers;
  - (c) in the case of ports in Scotland, the Scottish Ministers;

---

(1) [S.I. 2016/273](#), amended by [S.I. 2019/624](#) and prospectively amended by [S.I. 2019/489](#) and [S.I. 2019/560](#).  
(2) [S.S.I. 2016/65](#), amended by [S.S.I. 2016/125](#), [S.I. 2016/696](#), [S.S.I. 2019/7](#), [S.S.I. 2019/173](#) and prospectively amended by [S.S.I. 2019/112](#).  
(3) [S.I. 2015/102](#), amended by [S.I. 2015/1472](#), [S.I. 2016/275](#), [S.I. 2016/696](#), [S.I. 2017/701](#), [S.I. 2018/285](#) and [S.I. 2019/624](#) and prospectively amended by [S.I. 2019/560](#).  
(4) [S.S.I. 2015/446](#), amended by [S.S.I. 2016/47](#), [S.S.I. 2016/337](#), [S.S.I. 2016/338](#), [S.I. 2016/696](#), [S.I. 2017/1011](#) and [S.S.I. 2019/7](#) and prospectively amended by [S.S.I. 2019/112](#).  
(5) [S.I. 2016/274](#), amended by [S.I. 2016/696](#) and [S.I. 2019/624](#) and prospectively amended by [S.I. 2019/489](#) and [S.I. 2019/560](#).  
(6) [S.S.I. 2016/49](#), amended by [S.I. 2016/696](#), [S.S.I. 2019/7](#) and [S.S.I. 2019/173](#) and prospectively amended by [S.S.I. 2019/112](#).  
(7) [S.I. 2003/1809](#), amended by [S.I. 2009/1176](#), [S.I. 2016/1211](#) and [S.I. 2018/68](#) and prospectively by [S.I. 2018/1221](#).

(14B) ‘reserved trust port’ has the meaning given in section 32 of the Wales Act 2017<sup>(8)</sup>.”

6. In Article 3(2), for “Member States may decide by national law” substitute “The relevant authority may decide”.

7. In Article 4—

(a) in paragraph 2—

(i) in point (f), omit “, Union”;

(ii) in point (g), for “Member State of the port concerned” substitute “relevant part of the United Kingdom”;

(b) omit paragraph 3;

(c) in paragraph 6, omit “and the procedure for the granting of the right to provide port services under those requirements by 24 March 2019 or, in the case of minimum requirements that are to apply after that date,”.

8. In Article 6—

(a) in paragraph 1(e)—

(i) for “Article 35 of [Directive 2014/25/EU](#)” substitute “regulation 35 of the Utilities Contracts Regulations 2016 or regulation 33 of the Utilities Contracts (Scotland) Regulations 2016”;

(ii) for “a Member State” substitute “the United Kingdom”;

(iii) for “Article 34 of that Directive” substitute “regulation 34 of the Utilities Contracts Regulations 2016 or regulation 32 of the Utilities Contracts (Scotland) Regulations 2016”;

(b) in paragraph 5, for “and in paragraph 7 of this Article and in Article 8” substitute “, regulation 4 of the Port Services Regulations 2019<sup>(9)</sup> and Article 8”.

(c) in paragraph 6, for “Member State concerned” substitute “relevant authority”;

(d) omit paragraph 7.

9. In Article 7—

(a) in paragraph 1, for “Member States” substitute “The relevant authority”;

(b) in paragraph 2, omit “, and shall guarantee equality of access to all providers of port services established in the Union”;

(c) omit paragraph 3.

10. In Article 9—

(a) in paragraph 1, for “Member States” substitute “relevant part of the United Kingdom”;

(b) in paragraph 2—

(i) omit “Union and”;

(ii) omit “Union law,”;

(c) in paragraph 3, for “[Directive 2001/23/EC](#)” substitute “the Transfer of Undertakings (Protection of Employment) Regulations 2006<sup>(10)</sup>”.

11. Omit Article 10(2).

---

<sup>(8)</sup> 2017 c. 4.

<sup>(9)</sup> S.I. 2019/575.

<sup>(10)</sup> S.I. 2006/246, amended by S.R. 2006 No. 177, S.I. 2009/592, S.I. 2010/93, S.I. 2014/16, S.I. 2014/386, S.I. 2014/853 and S.R. 2020 No. 15.

- 12.** In Article 11—
- (a) in paragraph 5—
    - (i) omit “in the Member State concerned”;
    - (ii) omit “Such information shall be made available to the Commission by the relevant authority upon request.”;
  - (b) omit paragraph 8.
- 13.** In Article 12(3), omit “in the Member State concerned”.
- 14.** In Article 13—
- (a) in paragraph 1, for “Member States shall ensure that a port infrastructure charge is levied. This” substitute “The charging of a port infrastructure charge”;
  - (b) in paragraph 3, for “Member State concerned” substitute “relevant authority”;
  - (c) in paragraph 6—
    - (i) omit “of the Member State concerned”;
    - (ii) omit “That authority shall make the information available to the Commission upon request.”.
- 15.** In Article 16—
- (a) in paragraph 1, for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2, for “Member States” substitute “The relevant authority”;
  - (c) in paragraph 3—
    - (i) for “in the Member State of” substitute “with the relevant authority for”;
    - (ii) after “origin” insert “in accordance with Part 3 of the Port Services Regulations 2019”;
    - (iii) for “Member States” substitute “The relevant authority”;
  - (d) omit paragraph 4;
  - (e) omit paragraph 7;
  - (f) omit paragraph 8.
- 16.** Omit Articles 17, 19 and 20.
- 17.** In the text immediately after Article 22, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.