

Art. 56b(7) - Aid for maritime ports

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Article	Article 56b, para 7 - Aid for maritime ports
Key words	port terminals, concession
Member State	BG
Question	<p>We would like to ask the Commission to provide clarifications on how to apply Art. 56b, par. 7 of the GBER for port terminals that have already been awarded on a concession basis (competitive, transparent, non-discriminatory and unconditional) at the time of granting the aid?</p> <p>In these cases, should the already concluded concession contracts be amended in any way?</p>
Creation Date	2022.09.15
COMP Reply	<p>According to Article 56b point 7, "any concession or other entrustment to a third party to construct, upgrade, operate or rent aided port infrastructure shall be assigned on a competitive, transparent, non-discriminatory and unconditional basis".</p> <p>If a concession has been granted in line with these principles and a subsequent infrastructure improvement is (partly) financed through State aid, then the concession contract needs to be amended in such a way as to reflect the value of the improved infrastructure. The contracts for building the improved infrastructure would need to be attributed through a tender procedure.</p> <p><i>Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the GBER. It is therefore not binding and cannot create legal certainty or legitimate expectations.</i></p>
COMP Reply date	2023.07.17
COMP Responsible	<input checked="" type="checkbox"/> COMPethree ESTATE-AID-WIKI

¹ Article numbers & names

- Article 56b - Aid for maritime ports
- Article 56c - Aid for inland ports

² AT, BE, BG, HR, CY, CZ, DE, DK, EE, EFTA, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK.