

(English version)

**Question for written answer E-001650/24
to the Commission
Vicent Marzà Ibáñez (Verts/ALE)
(6 September 2024)**

Subject: Rescue boats charged backdated port fees, human rights and legal uncertainty in the single market: the case of the Aita Mari

The Valencian Government has levied backdated port fees on humanitarian boats that conduct rescue missions in the Mediterranean, such as the Aita Mari. The previous government exempted these boats from port fees. The Valencian Government hopes that this arbitrary and retroactive decision will deter these kinds of operations in Valencian ports such as Borriana, Benicarló, Vinaròs and Dénia.

In light of the above:

1. Does the Commission consider charging humanitarian boats, such as the Aita Mari, backdated port fees to be a breach of the fundamental rights of the European Union, which include the protection of human rights, as enshrined in Article 2 TEU?
2. Given that the European Union is committed to the international obligations of marine rescue and humanitarian aid, what is the Commission's view on the Valencian Government charging backdated fees to vessels such as the Aita Mari in relation to these obligations and the values of the EU?
3. Does the Commission consider the charging of port fees, especially retroactively and arbitrarily, to pose an obstacle to the free provision of services and legal certainty in the single market?

Submitted: 6.9.2024

**Answer given by Mr Brunner on behalf of the European Commission
(6 January 2025)**

1. Respect for fundamental rights is a core EU value, established in Article 2 of the Treaty on European Union and the Charter of Fundamental Rights of the EU. However, Article 51(1) of the Charter limits its application to instances when Member States are implementing EU law. Otherwise, Member States and their judicial authorities must uphold fundamental rights under national laws and international human rights obligations, such as the United Nation (UN) Convention on the Law of the Sea and the International Convention on Maritime Search and Rescue.
2. Search and Rescue (SAR) is a national responsibility governed primarily by international law. The Commission consistently points out that Member States must ensure their national laws fully respect the duty to render assistance at sea, as required by international maritime law, notably the UN Convention on the Law of the Sea and the International Convention on Maritime SAR, including situations where private vessels conduct SAR operations.
3. Article 13 of Regulation (EU) 2017/352 ⁽¹⁾ sets the framework for port infrastructure charges in ports within the trans-European transport network, listed in Annex II to Regulation (EU) No 1315/2013, now replaced by Regulation (EU) 2024/1679 ⁽²⁾. While Article 13(1) of Regulation (EU) 2017/352 requires Member States to ensure such charges are applied, Valencian ports like Borriana, Benicarló, Vinaròs and Dénia are not listed in Annex II of Regulation (EU) 2024/1679 and are thus not covered by Regulation (EU) 2017/352. At the same time, general Treaty principles, including market access, still apply. Decisions on charges rest with the port authorities, but retroactive charges may raise legal certainty concerns, best reviewed by the national courts.

⁽¹⁾ 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, OJ L 57, 3.3.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/352/oj>

⁽²⁾ Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013, OJ L 2024/1679, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1679/oj>