



## **USERS KEEN TO SEE THE PORT REGULATION ADOPTED SOON**

On 30 September a first discussion will take place in the Transport Committee of the European Parliament on the proposal from the European Commission for a Regulation establishing a framework on market access to port services and financial transparency of ports.

Users of port services welcome this proposal and hope for a swift adoption. Ship agents (ECASBA), freight forwarders (CLECAT) and shipowners (ECSA) find it very positive that – at last - a legal basis will be in place with regard to market access and transparency in ports.

Users however regret the difference in treatment of port services, more precisely the exclusion of port labour, cargo-handling and passenger services from the application of the freedom to provide services. Whilst users understand the political reasons for this decision, they underline that these essential services should not be excluded. By not including cargo-handling and passenger services, there is no legal basis at all to address existing restrictive and anti-competitive practices as the freedom to provide services does not apply directly and secondary legislation is needed. It moreover entails the risk of a 'cascade' effect; other services may also request being excluded from the proposal.

Users are of the view that the proposed measures on market access are in fact well balanced and proportional, and there is therefore no need to exclude any services. The proposal will hardly interfere with well-functioning systems in place today. Users can accept that for some port services restrictions might apply, however such restrictions must be subject to strict conditions. It is only logical that if exclusive rights are granted to service providers, there is more transparency and control. This mechanism should allow for the fair and well-functioning of all port service providers, with respect for their specificities.

Users want to know what they pay for; therefore the increase of transparency of charges is greatly welcomed. But there must be room for commercial negotiations. Variations in port infrastructure charges must remain at the discretion of port authorities and users.

Users furthermore are pleased with the proposal for an independent supervisory body, which will be a mechanism for the good application of the proposed Regulation. In case users are confronted with specific problems, these can be addressed to a body which is truly independent from the port authority and the port service providers. However, this proposal should not lead to any unnecessary bureaucracy.

Users fully support the mandatory consultation of port users, through the port users' advisory committee, on charges, the coordination of port services, hinterland connections, administrative simplification and other relevant issues. This will ensure that the real needs of the port service users

are taken into account, which will improve the performance and quality of ports and their hinterland connections.

In sum, users would like to see a swift adoption of the proposal in the European Parliament and the Council, without the clause which excludes cargo-handling and passenger services. The proposal will provide for the means to address existing inefficiencies in ports with due respect for the existing diversity among EU ports. Any further delay would handicap the sustainable development of the EU transport system as a whole and impact negatively on economic growth prospects.