



EUROPEAN SEA PORTS ORGANISATION ASBL / VZW
ORGANISATION DES PORTS MARITIMES EUROPEENS ASBL / VZW

Initial response to the European Commission's ports policy proposals

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The European Commission's new ports policy communication and regulation proposal value the important role seaports play for the European economy. Whilst ESPO regrets that the Commission abandons its non-legislative approach, it recognises the fact that the regulation proposal makes a first important step towards creating greater financial transparency. ESPO further appreciates that the proposal recognises the central role of the port authority and confirms, to some extent, its autonomy. At the same time however, the proposal attributes potentially wide-ranging competencies to other authorities and some of the proposed procedures may lead to damaging interference with the commercial freedom of ports, their ability to invest and their administrative responsibilities. ESPO will now conduct an in-depth assessment of the regulation proposal, focusing on the concrete impact it has on the diversity of its membership. ESPO invites Parliament and Council to take due consideration of this assessment during the forthcoming co-decision process.

On 23 May, the European Commission published a communication entitled *Ports: an engine for growth* and a regulation proposal establishing a framework on market access to port services and financial transparency of ports. ESPO welcomes the fact that both the communication and regulation proposal value the important role seaports play for the European economy. This complements the Commission's earlier initiative to give ports a central position in the Trans-European Transport Networks.

During the review and consultation process that preceded the publication of the European Commission's new proposals, ESPO consistently emphasised the value of non-legislative action. This was the philosophy of the previous ports policy communication, that was issued in 2007. The Commission now implies that this approach did not work. ESPO rather argues that it has not been given a proper chance to work.

By producing a new legislative proposal that excludes part of the sector and may have potentially far-reaching implications, ESPO believes the Commission is missing the opportunity to have a more fundamental and inclusive discussion on the overall challenges that European ports are facing.

This being said, ESPO recognises the fact that the regulation proposal makes a first significant step towards creating greater financial transparency where public funding is involved. In addition, ESPO appreciates that the regulation proposal recognises the pivotal role of the managing body of the port. To some extent, the proposal also confirms that this role has to be performed autonomously.

Treurenberg 6 - B-1000 Brussels
Tel. : 32-2-736 34 63 - Fax: 32-2-736 63 25
E-mail : mail@espo.be - Web site : www.espo.be

At the same time however, the proposal attributes potentially wide-ranging competencies to other authorities and some of the proposed procedures may lead to damaging interference with the commercial freedom of ports, their ability to invest and their administrative responsibilities. These concerns mainly relate to the role of the independent supervisory body, the limited scope for internal operations, the regulation of port infrastructure and service charges and the overall application of the rigid procedures of the forthcoming concessions directive.

ESPO will in the coming weeks conduct an in-depth assessment of the regulation proposal, focusing on the concrete impact it has on the diversity of its membership. It invites Parliament and Council to take due consideration of this assessment during the forthcoming co-decision process. ESPO also looks forward to exchanging views with other European stakeholder organisations, to see where points in common may exist.

Since 1993, ESPO represents the port authorities, port associations and port administrations of the seaports of the European Union. The mission of the organisation is to influence public policy in the EU to achieve a safe, efficient and environmentally sustainable European port sector operating as a key element of a transport industry where free and undistorted market conditions prevail as far as practical.

For more information, contact Patrick Verhoeven, Secretary General:

Phone: + 32 2 736 34 63 – Mobile: + 32 477 30 12 26

E-mail : patrick.verhoeven@espo.be – Web: www.espo.be