

**Port Package  
Directive on market access to port  
services:  
view of the Antwerp Port**

Portnet

Interreg IIIC

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# Port package: view of the Antwerp port

1. The need to establish a Community legal framework (objective)
2. Scope of the directive
3. Services concerned in the directive
4. Criteria for granting authorisations
5. Durations of authorisations
6. Limitation of number of providers:  
selection procedure

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7. Compensation to existing (former) service providers
8. Self handling
9. Transitional arrangements
10. Transparency rules (financial relations, state funding and accounts of the management bodies of ports)

## 1. The need to establish a Community legal framework (objective)

- O.K. legal framework but proportionally (cf. duration authorisations) and taking into account the diversity of European ports and port systems
- Is the market access to port services really limited? Are their abuses in terms of price setting? Not only intra- but also inter port competition! Too much to small service providers: risk of sufficient investment
- Liberalisation of public services: risk of cherry picking (universality, non discriminatory)

## 2. Scope of the directive

- Only bigger ports: O.K.

### 3. Services concerned in the directive

- Technical-nautical: yes but member state should have the right to limit freedom for safety purposes
- Cargo handling operations: no, cf. need

### 4. Criteria for granting authorisations

- Are needed but distinction is to be made between authorisations under Law on Public Procurement and those granted for domain concessions (less complicated)

## 5. Durations of authorisations (already partly modified)

- No significant investment: 8 y (APA: 10 y)
- Investments movable assets: 10 y (APA: 15 y)
- Investments immovable assets: 30 y (APA: 45 y)

## 6. Limitation of number of providers: selection procedure

- Inconsistent use of “competent authority” and “managing body”. Rule should be that within port domain, the Port authority is the competent authority

## 7. Compensation to existing (former) service providers

- O.K. but directive should give detailed accounting rules that should be used in case of taking-over incl. immaterial assets & goodwill

## 8. Self handling

- Does not respect national legislation! Specific rules should be negotiated on local or national level and do not belong in a Port's directive



## 7. Transitional arrangements

- To general, should be more specific a.o. in terms of employment and investment

## 8. Transparency rules (financial relations, state funding and accounts of the management bodies of ports)

- O.K. ( should have primary and not a secondary interest (level playinf field)

## 9. Conclusion: need to make an *Impact-assesment* in order to adjust the Directive!