

Port of Antwerp

Results and Recommendations

Workshop (WS) 03-10:
Container Port Operations
Managing External Effects on Ports
Antwerp, 13./14.-16.09.2005



The workshop developed various topics as compensation issues for container terminal expansions (1st day), port security in container terminals and cooperation between seaports and inland hubs (3rd day), but the core item was the 2nd attempt of proposal for a European Port Services Directive by the European Commission.

To a large extent, this new proposal, a year after the failure of the first attempt, simply reiterated principles contained in the 2001 version. Upon closer scrutiny, the new draft resolved a considerable number of legal problems which had arisen in relation to the previous proposal (in particular, the Commission had shown its willingness to accept several important amendments agreed upon by interested parties during the previous legislative process).

Yet it couldn't be denied that the new proposal still didn't adequately respond to some fundamental criticism of the previous proposal. The directive continued to lack a convincing justification. A number of basic concepts were still surrounded by obscurity as to their exact meaning and purport. Additionally, the internal logic of the 2001 draft was disturbed by some fundamental and rather complicated reversals.

Generally speaking, the wording of the new proposal was confused and left room for divergent interpretations by member states, public and private sector players and their lawyers. As a consequence, the new initiative threatened to create massive legal uncertainty for port authorities, existing and prospective port operators and port users alike.

Therefore, a thorough revision of the Directive's overall structure and single provisions seemed highly recommendable.