

## Port services regulation: Liberalisation overturned

Written by Knut Fleckenstein on 25 January 2016 in Opinion  
Opinion

The port services regulation provides an opportunity to design a framework to strengthen European ports, writes Knut Fleckenstein.



My work on the port services regulation (PSR) began with the publication of the proposal in 2013. It has continued in the new legislative term alongside a new European Commission and new shadow rapporteurs.

The European Parliament's greatest achievement is turning down any forced market opening. The proposal is no longer about market access, but instead lays out a framework for the organisation of port services.

There are several ways for EU member states to organise the provision of port services; free market access is one option, but it is not the only one, nor is it an obligation.

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We have been able to dismiss the prescription of free market access as a general principle. Safety and security concerns play a major role for ports, as well as public service obligations that enable them to offer the necessary services to all users.

From the outset, I have been convinced that concentrating on the regulation and therefore on the efficiency of port services and financial transparency of ports alone will not make European ports more competitive.

Other important factors include clear rules on public investment, good and steady working conditions in the ports and efficient connections to the surrounding area.

This is why I have followed a holistic approach to keeping discussions on the regulation, on state aid rules and on the social dialogue closely connected. Public and private investments are essential for the development of our ports.

The regulation provides for the financial transparency of ports, which DG Competition has always demanded as a condition for more guidance on state aid rules.

In return, we expect European competition Commissioner Margrethe Vestager to deliver the draft of the revision of the general block exemptions with an inclusion of the port sector in time.

It is not a matter of striking a deal with DG Competition, but about progressing on several port-related issues simultaneously and in the same direction. This way, we can create a stable and balanced political framework for European ports.

The social issues have mainly been allocated to the EU-level sectoral social dialogue committee for ports.

This committee took up its work back in 2013 and is dealing with topics including training and qualifications and promoting health and safety to young workers. I welcome the increased cooperation of employer and employee representatives, which has already led to new and fruitful initiatives.

Within the scope of the regulation, our hands are somewhat tied in terms of social provisions, due to subsidiarity. However, I believe that it is necessary to highlight the situation in some European ports concerning precarious work.

In a rapidly changing sector, for example in terms of ship size or terminal automation, there needs to be an emphasis on the crucial role of training and retraining. Motivated workers are the backbone of a competitive European port sector.

There are diverse organisational models for ports across Europe. A major challenge has been to make the regulation flexible enough in order to account for these national or regional particularities.

It should come as no surprise that a member state with privatised ports does not support a European framework. In my opinion, were Parliament's transport committee unable to vote in favour due to national lines, it would be a lost opportunity to provide the ports with stability.

The result of our joint work is a framework that takes the diversity of European ports into account, strengthens their autonomy and provides the financial transparency that will foster progress on state aid rules.

The Council's general approach has been on the table since October 2014. A favourable vote in favour in the transport committee will open the door for negotiations with the Dutch EU Council presidency, which has already made the port services regulation one of its priorities.

## About the author

Knut Fleckenstein (S&D, DE) is Parliament's rapporteur on market access to port services and financial transparency

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