



Brussels, 21 January 2014.

**Port users urge Members of the European Parliament Transport Committee to vote for a Ports Regulation which covers all port services, respects market functioning and ensures correct implementation of the basic Treaty principles. Many of the tabled amendments will make the proposal superfluous and should therefore not be supported.**

Dear Member of the European Parliament,

In view of the upcoming vote in the Committee on Transport and Tourism (TRAN) of the European Parliament on the proposal for a Regulation establishing a framework on market access to port services and financial transparency of ports, the undersigned associations, representing users and customers of European seaports and port services, would like to underline the need to **keep a meaningful proposal**.

Shipowners (ECSA), cargo owners (ESC), logistics service providers and freight forwarders (CLECAT), ship agents and shipbrokers (ECASBA) need well functioning ports as part of efficient transport chains. As key players we regret that a great deal of the amendments put forward for the vote in TRAN intend to substantially weaken the proposal.

It is a fact that ports and port services are not working optimally everywhere in the EU and that a clear legal basis is missing to deal with some of these problems. Market restrictions and lack of financial transparency continue to be among the major issues. The Regulation proposal addresses these in an adequate manner, providing a balanced legal framework. The Regulation proposal must be seen as part of a comprehensive EU Port Policy. In addition to the proposal there is also a need for simplification of administrative procedures, realisation of the internal market for shipping, the development of (hinterland) infrastructure, opening of ports towards customers and users and clarification of the State aid rules for ports. Continued efforts to implement such an overall Port Policy are therefore needed.

- **Users strongly oppose any amendments that will limit the scope of the market access chapter of the Regulation proposal, making it an empty box**

In addition to the already excluded cargo-handling and passenger services, several of the tabled amendments exclude technical-nautical services (such as pilotage) from the market access chapter. These would make the market access chapter an empty box and are not compatible with the original aim of the proposal, which is to create uniform structures of competition as well as transparency in setting charges. Users therefore strongly oppose these amendments. The Commission's proposal does not go for 'blind liberalisation'. In fact, it foresees the possibility to restrict opening of the market for reasons such as safety or professional qualifications. We have no problem with such restrictions. The proposed text is very balanced: the service provider that benefits from an 'exclusive' or 'privileged' position must respect certain rules regarding transparency and control. This approach will not jeopardise the safety of the port environment, nor will it impose any disproportionate burden on the service provider.

- **Users want transparency regarding charging with room for commercial negotiations**

The increase of transparency on how port charges are set, as mentioned in the proposed text, is much welcomed, as users should be entitled to know what they are paying for. Flexibility in the setting of the charges is however necessary to allow commercial negotiations. Overly prescriptive amendments will not be helpful; they will hamper the managing body of the port to attract the traffic that fits into its development strategy and customers to negotiate better tariffs to the benefit of the end consumer.

- **Users must be recognised as important partners in the port environment and be granted the right to be heard**

Our members represent customers of the managing body of the port and of port service providers. As any customer, they want to have the right to express their views on developments that are extremely important for them, such as charging, coordination of port services, hinterland connections and administrative simplification. The more user-led information feeding into the decision process, the more it will benefit the performance and quality of the port and its hinterland connections.

- **Independent supervision is key to make the proposal work**

We are in favour of a managing body of the port that is independent and has the autonomy to act as a real 'manager' of the port. However, given the natural monopoly position that most port authorities have, such autonomy cannot be without any framework or supervision mechanism that is truly independent from the managing body of the port. Cooperation between supervisory bodies will guarantee that a uniform application of the proposed Regulation is respected.

We thank you for the attention you may give to our concerns in view of the vote in the Transport Committee of the European Parliament and any further discussions of the proposal.

Yours sincerely,



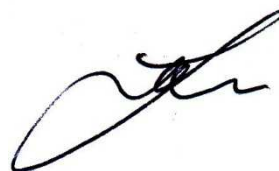
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**ECSCA, the European Community Shipowners' Associations, comprises the national shipowners' associations of the EU and Norway.** ECSCA's aim is to promote the interests of European shipping so that the industry can best serve European and international trade and commerce to the benefit of shippers and consumers. [www.ecsa.eu](http://www.ecsa.eu)

**CLECAT is the leading voice on freight forwarding and logistics in Europe.** Clecat represents and is supported by 25 member organisations working to promote a sound approach to transport and logistics across Europe, in support of the competitiveness of our industry. [www.clecat.org](http://www.clecat.org)

**ECASBA is the organisation representing the European ship agency and ship broking professions.** ECASBA has members in 22 EU/EEA Member and Applicant Member States. Its remit is to "represent the views of the EU ship broking and ship agency professions to the European Union institutions". [www.fonasba.com](http://www.fonasba.com)

**ESC, the European Shippers' Council, represents cargo owners i.e. freight transport interests** (import and export and intra-continental, by all modes of transport) of some 100,000 companies throughout Europe, whether manufacturers, retailers or wholesalers, which are collectively referred to as "shippers". [www.europeanshippers.eu](http://www.europeanshippers.eu)