PART II

COMPETITION IN THE PORT SECTOR AND IN SPECIFIC MARKETS
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I. INTRODUCTION

Ports play an important role in the efficient and smooth functioning of maritime transport. They are also important as interconnection points between different transport modes connecting maritime transport with the various land transport modes used in the transport chain. Products and goods pass through ports in different forms, such as containers or bulk. Ports in the EU annually handle in total some 3.5 billion tonnes of cargo and 350 million passengers pass through EU ports. Their importance is also shown by the fact that over 90% of EU’s trade with third countries and over 40% of intra-EU trade is shipped through EU ports.

The ownership, organisation and financing of ports vary greatly in the EU. The majority tend to be publicly owned, primarily by municipalities, and many of them are city ports which make an important contribution to the local economy.

While the EC competition rules also comprise State aid, this chapter deals only with the antitrust provisions of the EC Treaty, i.e. Articles 81 and 82 EC. This chapter attempts to explain the application of these rules to the port sector in the light of the existing jurisprudence of the European Courts and the decision-making practice of the European Commission, as well as the role of the anti-trust rules in the overall context of market access to port infrastructure and services.

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** This chapter puts forward the personal views of the author and cannot be considered as representing the official position of the European Commission.