Maritime transport: application of the European competition rules (Regulation (EEC) No 4056/86). White Paper

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The committee adopted the own-initiative report drawn up by Rodi KRATSA-TSAGAROPOULOU (EPP-ED, EL) in response to the Commission's White Paper on the review of the 1986 regulation applying the EC competition rules to maritime transport. It stressed that the purpose of this review must be "to preserve, and promote the expansion of, a viable and competitive European shipping sector within the framework of the Lisbon strategy". This was particularly crucial in view of the fact that new maritime powers had emerged, namely, China , South Korea and Taiwan .

The Commission was urged to complete the announced impact study into repealing the block exemption and, should there be any negative impact, to take it into consideration in its new proposal and discuss it with the sectors concerned, as well as with Parliament and Council. In the event of any amendment of the 1986 regulation, the Commission should bear in mind existing legal and operating regimes in other countries (USA, Australia, Japan and Canada), since any misalignment of the European system in relation to those regimes might have destabilising socio-economic effects worldwide and lead to protectionist measures. The committee emphasised "the likelihood of adverse consequences" in the event of a general overhaul of the system, particularly for small and medium-sized merchant shipping lines, and added that there was no evidence that the abolition of conferences would bring about a fall in prices.

With regard to liner conferences, MEPs were concerned that any review of the regulation must be done in such a way as to ensure compliance with competition rules and safeguard the stability of freight rates, the high quality of services and sound competition for all enterprises, whatever their size. They also suggested that any new regulation might be made to come into force for a limited period of 5 years, at the end of which an assessment should be carried out. Moreover, on the basis of undertakings under the Code of Conduct for Liner Conferences, the Commission should hold discussions with the other contracting parties before proposing to amend or repeal the 1986 regulation.

As regards international tramp vessel and cabotage services, the report pointed out that the tramp sector remained overwhelmingly deregulated and that the cabotage services sector had already been deregulated.

Among the report's recommendations, the Commission was urged not to continue with the proposal to abolish the arrangements in the 1986 regulation on the legality of technical agreements, on the grounds that retaining a purely legal framework governing such agreements would contribute to legal certainty and better guidance for service providers. Lastly, the committee called on the Commission not to continue with the proposal to abolish the article in the regulation providing for negotiations to be held in the event of a conflict between Community law and the law of third countries, especially in view of the Commission's intention to revise competition law in respect of maritime transport.