



The awarding of seaport terminals to private operators: European practices and policy implications

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Abstract

The awarding of port services to private operators has become one of the most important tools for port authorities to retain some control on the organization and structure of the supply side of the terminal market. This paper discusses the awarding of terminals in European ports from an EU legal and policy context. It also seeks to provide in-depth information on current practices and perceptions of port authorities around Europe on tendering and contractual arrangements linked to the awarding of terminals. The relevant issues relate to the terminal awarding processes, the duration of the terminal award contract and the contract stipulations. The paper also seeks to understand whether the practices are influenced by factors such as terminal size, the competitive environment in which the port operates and the geographical location.

Keywords: Concessions; Terminal; Seaport; Legal system; Governance; European Union.

1. Introduction

The awarding of port services to private operators has become one of the most important tools for port authorities to influence the prosperity of the port community (Notteboom, 2007; Pallis et al., 2008). Through the awarding procedures and the contract, port authorities can in principle retain some control on the organization and structure of the supply side of the terminal market, while optimizing the use of scarce resources such as land. This paper contains the main findings of a survey on the awarding of terminals in Europe. The survey was commissioned by the European Sea Ports Organisation (ESPO) in response to the European Commission's ports policy communication which was published in October 2007. With this paper, we aim to provide a better understanding of current practices of port authorities in Europe.

In a first part, the paper discusses the EU legal and policy context governing the awarding of terminals in European ports. The remaining sections of the paper seek to

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