

February Briefing



Please find below the February 2016 briefing on the latest news and activities of the British Ports Association which we hope you find of interest.

David Whitehead, Director, BPA

EU Ports Services Regulation: Next few months are critical



UK Ports continue to oppose the proposed EU Port Services Regulation on the basis that it would prevent privately financed ports across the EU operating as fully commercial businesses and put investment, growth and jobs at risk.

The Transport and Tourism Committee of the European Parliament voted on the Regulation on 25th January with the result that it was adopted with a number of amendments, some of which had been promoted by the UK. The Regulation was voted through by 29 in favour and 13 against with 3 abstentions.

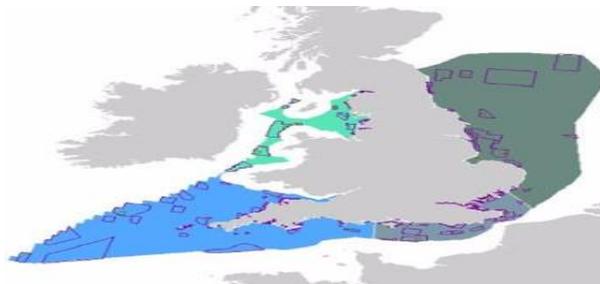
The immediate future is unclear as the Rapporteur did not manage to achieve a mandate allowing him to enter into negotiations on the text with the Council and Commission. This could change, but as matters stand there is likely to be a full European Parliament Plenary vote on the Regulation in March.

An amendment allowing for a Competitive Market Exemption, which has been a particularly important part of the UK government's approach, was not adopted, although one of the amendments promoted by the industry, allowing for exemptions for privately funded ports, was partially adopted. There were also some helpful changes to the financial transparency section.

But the BPA's position remains that every opportunity should be taken to reject the Regulation. We expect there to be a debate on the Regulation in the Commons over the next few weeks at which stage the BPA will brief members on the industry's viewpoint in more detail.

The Regulation would create a framework that is at odds with the unique and successful UK Ports business model. Rather than services the UK sees state aids as the major challenge, and the industry will be discussing with the Commission what action can be taken.

Marine Conservation Zones (MCZs), Special Protection Areas (SPAs) and Protection for Harbour Porpoises



There was a flurry of announcements during January on a number of environmental initiatives and consultations. The first was the announcement of the second tranche of MCZ sites, (23 in total) in England. This follows a long consultation in which some helpful changes were made to adjust site boundaries so that they were more compatible with sustainable commercial activity.

There will be consultation in England on the third tranche of proposed MCZs in 2017 for designation in 2018. At the same time there were announcements about nine potential new SPAs.

There is also a new consultation on Special Areas of Conservation (SACs) for the protection of harbour porpoises.

There are also proposals to create 14 new Special Protection Areas (SPAs), in marine locations around the Scottish coast. We have concerns that the sites would negatively impact port activity and future development as many of the proposed locations are situated within or close to many of Scotland's ports. The impact of these designations would require costly and time consuming Habitats Regulations assessments and monitoring.

This could have significant implications for port investment and coastal growth and we are concerned that ports business may move away from Scotland. A workshop is planned in March and we will continue our constructive dialogue with Marine Scotland.

Naturally the BPA will engage with all relevant environmental authorities to find the best outcome. Protected sites can impact on coastal businesses and operations, and it is vital that ports are able to grow and respond to markets.

Places of Refuge



A conference in Brussels last Wednesday saw the launch of new operational guidelines on places of refuge for ships in distress.

The guidelines are the result of joint efforts by various member state maritime administrations, the Commission and the maritime sector who have been working together on this for more than 3 years.

The main aim has been to improve communication and co-operation between the member state authorities and generally streamline decision making. The UK model has certainly been looked at, but the case of the "Flaminia", and the uncertainty surrounding its final port destination.

A hugely important connected subject is that of liability and financial implications for ports. The P&I clubs continue to argue that the liability and compensation regimes are adequate. Europena Sea Ports (ESPO) has stressed the need that now the guidelines are there, further work is required on insurance and compensation issues.

There are real concerns for the ports industry as the position of a port taking in ships for refuge purposes needs further work and clarification.

Ports naturally fully understand their responsibilities in these situations but there has to be a fair regime of redress for interruptions to port business and for any environmental damage.

About the BPA

Created in 1992, the British Ports Association represents the interests of its 96 full members, and numerous associate members, to the various tiers of national and devolved Governments in the UK, the EU and a range of national and international bodies.

As our membership comprises many ports, terminal operators and port facilities, all of varying size, location and nature, the Association is able to draw upon a wide range of experience and knowledge to represent its members' interests.

This update is just a sample of the activities of the BPA, to keep up to date on all of our activities please follow our website here: <http://www.britishports.org.uk/>

Contact Us



If you would like any more information on the above briefing or to discuss any of the issues raised please contact **David Whitehead** or **Richard Ballantyne** at the BPA on the details below.

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