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Directorate-General for Competition – Unit F.1 –

Antitrust: Transport, Post and other services,

European Commission,

Directorate-General for Competition, 1049 Brussels

DATE  
18 December 2019

SUBJECT  
Feedback (HT. 5252)

Dear Sir or Madam

After writing our technical report 'Regulation in the liner shipping industry: pathways to a balance of interests', joint research with ([link](#)), we looked forward to the EC decision on liner shipping in the context of the Consortia Block Exemption (CBER).

The EC opted for extension of the the existing block exemption of liner shipping consortia (i.e. the Consortia Block Exemption Regulation, "Consortia BER") from the application of [Article 101](#) of the Treaty on the Functioning of the European Union ([Commission Regulation No 906/2009](#)). This decision is in line with pathway 2 'Retain the existing CBER'. The impact of this decision will be limited for the carriers. The decision will give them certainty, not just within Europe but also globally, greater clarity of their interpretation, and a time frame that will more closely mediate between the short time frame used by the majority of cargo interests (annual confidential contracts for example) and the longer time frame of carrier capital investment decision-making (the life span of a vessel investment). This option however does not address the very real concerns of the other parties in global supply chains, the beneficial cargo owners and ports in particular, and so we also looked forward to hearing what the EC will do to recognize their challenges and attend to them through additional actions.

We hope the coming four-year period will be used to move towards greater harmonisation of liner shipping regulation (identifying impacts on countries with lower liner connectivity), to define the relevant market as the maritime sector evolves as a maritime supply ecosystem (including digitalisation), and to explore alternate data collection and reporting for better monitoring and evaluating consortia. We believe that these actions are a critical part of addressing the concerns of those other parties.

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We understand that the extension is for a four-year period in place of the usual five. The global aspect is very important, as other countries have been waiting on the EC decision. Shipping is a multi-national business and multi-lateral harmony has merit.

Looking forward, it might be interesting to analyse the impact of (captured) regulation on the shipping industry. If this is of interest, we are certainly prepared to assist.

Yours sincerely

Christa Sys, also on behalf of the co-authors (Prof. Brooks, Prof. Van de Voorde, Prof. Meersman and Prof. Vanellander)