UNIVERSITY OF AGDER

When EU Liberalisation Fails: The Case of the Port Directive

ISL WORKING PAPER

2012:4

Department of Political Science and Management
University of Agder

ISSN 1893-2347

Merethe Dotterud Leiren

Abstract

The prevailing literature on European integration holds that asymmetries towards 'negative integration' in the treaties are important for explaining increasing liberalisation reform in the EU. Additionally, literature on interest groups gives several reasons as to why labour unions are not likely to succeed at the EU level. However, to understand European integration, there is a need to also understand lack of integration. An in-depth analysis of the decision-making process of the EU Port Directive highlights the importance of actor constellations and inclusion of large societal groups such as labour unions in consultations.

1. Introduction

Extensive literature focusses on the question how legislators in the EU have been able to agree on common policies to liberalise sectors such as public services, where liberalisation reform is controversial (e.g. Aspinwall, 1999; Eising, 2002; Eising & Jabko, 2001; Héritier et al., 2001; Schmidt, 1998). Such contributions leave out aspects that are getting in the way for integration. Therefore it is of interest to analyse when initiatives to liberalise public services fail in the EU. One such case is the directive on market access and financing of maritime ports (the Port Directive). It is interesting as it was rejected twice and the labour unions claim that this is their victory. This is surprising given the fact that most proposals go through and the several reasons in the literature as to why labour unions are not likely to succeed.

Despite the increasing presence of interest groups at the European level, studies highlight that labour unions use familiar routes at national level where policies tend to be considered more important to such groups (Beyers & Kerremans, 2007, p. 475). Researchers find that labour unions struggle with collective action problems and have difficulties mobilising their members (Greenwood & Aspinwall, 1998) and mass protests in Brussels are rare (Della Porta, 2007, p. 199). Moreover, the European Commission, although committed to take civil society interests into account through open consultation procedures, is fairly autonomous in developing its interests (Kohler-Koch & Quittkat, 2011) and seeks support from interests that agree with its preferences (Dür, 2008, p. 1219). Therefore interests opposing such preferences are more likely to be neglected in consultations. In addition, extensive literature claims that the European Union has close to 'unlimited resources' for negative integration due to asymmetries towards liberalisation in the treaties (see theoretical part). Given such circumstances, labour unions are facing substantial difficulties to succeed in their objectives through current European decision-making processes. These arguments make it interesting to analyse whether and why the labour unions were successful in influencing the Port Directive. At the same time the arguments highlight the importance of looking for alternative

explanations as to why the Port Directive failed. Thus the analysis aims at exploring the conditions, under which EU liberalisation reform does not occur.

An in-depth analysis of the decision-making process of the EU Port Directive suggests that there are two key conclusions as to why the attempt to liberalise port services in the EU failed: The first conclusion is about the influence of actor constellations on policy outcome in the EU. In the port case member states that had already agreed on a compromise in the Council continued to run against the same proposal in conversations with interest groups and Members of the European Parliament. Several interest groups built a coalition against the directive, but most interesting is the role of the labour unions. They were able to communicate powerful (i.e. visible) arguments and were successful in mobilising their members at European level, thereby causing 'fear' among employers with economic ramifications. The second conclusion refers to the importance of how input is organised in relation to output, for example whether the 'voice' of interest groups correspond with their accessibility to the decision-making process. In the port case the European Commission was too self-confident in believing that it would get its way, thereby ignoring the extensive disruption it created by launching an initiative without prior consultation and rejecting modifications as endorsed by the Council and the Parliament.

The findings illustrate three interesting points. Firstly, the Port Directive represents a case in which the outcome of interest (i.e. EU liberalisation reform) does not occur. Analyses of such cases are fruitful for the purpose of refining existing theories by showing more clearly forces that are hidden in the majority of contributions on EU liberalisation reform, which explain deeper and wider integration. Therefore to understand European integration, there is a need to also understand lack of integration. So far such analyses have not achieved much attention. For that reason reviewers (Stone Sweet, 2010) have requested additional studies on negative cases.

Secondly, within the literature explaining progress towards EU liberalisation supranational explanations are dominant, emphasising treaty biases (Humphreys, 2007; Kerwer & Teutsch, 2001), 'threat of litigation' by the Commission (S. K. Schmidt, 2000) and 'integration through law' (Scharpf, 2012). Interestingly, although the European integration literature examines a number of sectors that are vital in terms of economic and social interests, political scientists have paid little attention to such aspects in their analyses. Although the port case does not reject the assumption that legal paragraphs in the treaties matter, the findings highlight that researchers need to go beyond explanations that prioritise supranational institutions when explaining the outcome of decision-making in the EU (see: Olsen, 2010, p. 45f).

Thirdly, although there is an increasing number of studies on interest groups in the era of multi-level governance, their influence on policy outcome in the European Union has only gained

limited attention (Michalowitz, 2007). Regarding the influence of labour unions the prevailing literature argues that labour is almost incapable of action (Gajewska, 2008). Given the strength of labour unions within public services this is surprising. Labour unions typically have a large member base within such sectors and demonstrations may, for example, cause shortage of essential goods in everyday life and impose huge economic losses on the industry. Indeed, In the selected case mobilisation of societal interests had an important impact on the final outcome.

The following sections *explore* factors that contributed to why the European Union was not able to introduce liberalisation reform in the port sector: The next section presents useful theoretical perspectives that guide the empirical analysis. The third section presents the data and research techniques. Thereafter, the fourth section gives an account of what happened in the case of the Port Directive, which was rejected twice. A final section gives a conclusion.

2. Theoretical Approaches

Several approaches are interesting in order to understand why liberalisation reform does not occur in the European Union. In this section perspectives that have been used to explain failure of European integration will be presented. These include theories of 'decision traps' that make compromises difficult and interest group theories that are of interest, given the importance of such groups in public services. From such theories five expectations that may explain the failure of reform in the port sector are delineated.

Theories of 'joint decision traps' explain deadlock with the enormous diversity of interests, structures and traditions among member states (Scharpf 1988). It implies a situation by which interdependent government decisions are only possible at the lowest common denominator, as governments that disagree otherwise may opt to veto. However, an extensive literature argues that such 'decision traps' have been overcome (see for example: Falkner, 2011; Héretier, 1999). The mechanisms are plentifold, but the most dominating within the literature on liberalisation in the EU are legal mechanisms that are effective due to the superiority of EU law (see for example: Eising & Jabko, 2001; Humphreys & Padgett, 2006; Martinsen & Falkner, 2011). Accordingly, lack of central case law that the Commission can refer to, has been used to explain why liberalisation reform has progressed to a lesser extent in some public services as compared to others (e.g. electricity as compared to telecom: Eberlein, 2008; Schmidt, 1998). The focus of such theories is on the difficulties of compromise-finding among member states. In the port case member states came to agreement, but the Parliament rejected the proposal. However, judicial aspects are also relevant for the available options of Members of the European Parliament. Following from this, *the first expectation (E1) reads*

that lack of judicial aspects eases the liberalisation pressure from supranational institutions on the Council and the Parliament.

Another mechanism that political scientists often designate as important for compromise finding is 'differentiated integration' (i.e. legal discretion, opt-outs, vague wording etc) (for a review, see: Holzinger & Schimmelfennig, 2012). Yet in such contributions the criteria as to when integration is successful is not always clear: If for example, the result of a compromise is vague and watered-down, this may imply unsatisfactory solutions and legal uncertainty. In the process of searching a compromise – in giving in to different interests in order to acquire more legitimacy and leverage (Eising & Jabko, 2001, p. 748) – the draft may be so watered-down that it becomes 'bad'. Such situations raise the question whether a bad framework is better than none at all *or* no framework is better than a bad one. If the latter is the case, legislators would be likely to reject the framework. This leads to the second expectation (E2): *Failure of compromise is the result of actors opposing a 'bad' framework.* In the 'ordinary legislative procedure' the Council or the Parliament may reject a proposal and/or the Commission may choose to withdraw it. However, it could also be that a framework is not watered-down enough for legislators to accept it.

Interest group theories also provide interesting aspects as to why a reform fails (or succeeds). Interest groups aim at influencing policy outcome by lobbying different institutions or exercise pressure through demonstrations, but their ability to influence EU policy-making varies. One reason is that institutions tend to be biased towards certain interests (Baumgartner, 2007). According to a rational perspective, this bias is dependent on the roles of the institutions and the functional resources that the interest groups have to offer. Seeking reelection, the Members of the *European Parliament* look for signs for electoral support and are therefore open to public opinion and interest group demands (Dür, 2008, p. 1216f). Yet they receive less attention from the electorate as compared to national politicians (Mahoney, 2007, p. 370) and as representatives at the European level, they may be more interested in European encompassing interests than in domestic ones (Bouwen, 2002, p. 380f). Differently, the *Commission* as a technocratic body is primarily interested in expert knowledge. It is also interested in domestic interests, but probably to a less degree than the two other legislators, for which domestic interests are crucial. The *Council* is the least directly accessible of the three EU legislators. The General Secretariat of the Council, whose role is to serve the member states, would risk its credibility, if it was known to speak with interest groups. However, interest groups lobby national delegations based in Brussels, members of the Council working groups and most importantly directly via national governments (Mazey & Richardson, 2001).

When a legislative proposal is controversial it may be tempting for the agenda-setter to exclude certain groups to ease decision making. For example, given that there is a pro-liberalisation

majority in the Parliament and that the proposal concerns a policy area similar to areas, in which the Commission has been able to 'nudge' member states to compromise on earlier occasions (see Scharpf, 2012), it may be appealing for the Commission to exclude opposing interests from consultations, when launching liberalisation reform. Under such circumstances the ability of opposers of liberalisation reform to get their will through seems small. Moreover, as an agenda-setter the Commission may try to dismantle opposition against a policy by quickly launching the proposal. On one hand, by quickly introducing a proposal and not initiating tedious consultation procedures, the Commission makes it difficult for those interest groups that were taken by surprise to mobilise, especially in a multi-level system, where interest groups may struggle with finding a common position (see Greenwood & Aspinwall, 1998).

On the other hand, such a strategy may come at the cost of lack of a comprehensive framework due to absence of sound analysis and consultation. Limiting the possibilities of large societal groups like labour unions to give input to the decision-making process may generate a high level of politicisation (Loder, 2011, p. 578). In general the Commission has contributed to prevent public protest at the EU level through dialogue and apparent openness, but when such lobbying possibilities are removed, interest groups tend to take to the streets – not only at national level but also in Brussels (Parks, 2008, p. 225). Moreover, a 'closed' Commission makes such groups exploit the opportunities offered by the Parliament (Parks, 2008, p. 227) and the politicisation of the process may empower the Parliament in the process (Loder, 2011). Several politicians are likely to symphatise with concerns regarding liberalisation; and interest groups with large numbers of members play a role for politicians, who want to be reelected or find it appropriate to follow the opinion of their constituencies. Even politicians, who ideologically prefer liberalisation, may hesitate to go against public opinion. Accordingly, *the third expectation (E3) proposes that exclusion of large societal interest groups in consultations politicises the process and makes it more difficult to get a policy decided on*. More important is perhaps the fact that a comprehensive piece of EU legislation offers several points of disagreement. For example, politicians who are in favour of liberalisation may go against such reform in the EU due to subsidiarity concerns. For this reason advocates sideline with each other to reject a proposal although their beliefs about the effects of a reform differ. Following from this, *the fourth expectation (E4) suggests that the several points of disagreement in EU policy-making make advocates with different interests find commonalities to side with each other.*

Another factor that contributes to explaining when interest groups are successful, is how they 'frame' an issue. Whilst all advocates frame issues, what is interesting is whether others pick it up (Baumgartner, 2007, p. 486) – whether they are able to communicate their arguments to society. This discursive element includes the ability to use understandable references and clear pictures of

problems (V. A. Schmidt, 2000, p. 288). Visibility and salience also help as such factors are likely to spur interest in society and draw media attention, thereby increasing politicians' awareness of public opinion. This is the case when, for example, business, labour and non-governmental actors build coalitions against each other (Beyers, 2008, p. 1192) or interest groups organise protests in the streets. This is typical for liberalisation proposals where social solidarity concerns oppose the competition approach. Such conflicts tend to be value-laden and create little room for bargaining (Beyers, 2008, p. 1193). On such occasions, interest groups are likely to be important for the legislators to gain social legitimacy. Hence, *the fifth expectation (E5) suggests that if interest groups are able to communicate and make their issue visible, they are more likely to succeed*. The third, fourth and fifth expectations suggest that there are possibilities for labour unions to exacerbate influence in EU decision-making despite the several reasons given in the literature as to why they are not likely to succeed.

3. Data and Research Techniques

To get a complete picture of what happened in the selected case, different sources of data are necessary. Evidence includes policy papers, minutes from hearings in the European Parliament and meetings in the Council, consultancy reports, annual reports by interest groups, online newspaper articles from EurActiv, literature review of contributions within political science, law and economics, as well as eleven semi-structured in-depth interviews. Especially interview statements are crucial to assess whether and which interest groups have been important for the rejection of the proposal. Every interviewee was among others asked about who she thought was the most influential and why it was difficult to introduce liberalisation reform in this sector. Interview questions also included questions about legal issues such as relevant infringements or threats thereof. Interview sampling was undertaken with the aim of covering views from the shipping industry, port authorities, labour unions, Commission, Parliament and the Council. These include three Members of the European Parliament representing the Party of European Socialists, Party of the European Left and the European People's Party, among them the rapporteur; two desk officers in the Commission's Directorate-General for Mobility and Transport; three representatives of labour unions including one from the Dockers' Section of the International Transport Workers' Federation and two from the Norwegian Transport Workers' Union; the Secretary General of the European Sea Ports Organisation; the Secretary General of the European Shipowners' Association; and a representative from the relevant German ministry. The civil servant in charge of the dossier in the General Secretariat of the Council had left office and was not available for an interview. Most interviews took place in Brussels in Spring 2011, supplemented by an interview in Bonn February 2012 and telephone conversations

with interviewees located in Hamburg, London and Amsterdam. The interviews via telephone took place in February, June and September 2011. Interview transcription made it possible to study the data in detail. Coding was not considered necessary given the aim of the interviews, which was to include all relevant aspects. The interview data has been important for establishing the mechanisms at work and has been cross-checked with other evidence. This evidence has been essential for covering gaps and documenting facts.

4. The Rejection of the Port Services Directive

The Commission tabled its initial proposal of the Port Directive on the 13th of February 2001. Three years later the Parliament rejected the joint text negotiated in the conciliation committee. A second attempt to initiate the Port Directive was put on ice, when the Parliament rejected the new draft at first reading. This section gives an elaboration of what happened during the decision-making process, explaining why the proposal was rejected twice.

The First Proposal

In 1997 the Commission launched a Green Paper on Seaports and Maritime Infrastructure. Some of the main issues addressed were the importance of port services as an economic sector with investment opportunities and the need for harmonising rules at the European level. At the same time increased competition between ports due to the Single European Act (i.e. completion of the internal market) and new technology had created a need for level rules of the game (European Commission, 1997, p. 2). The Commission believed that especially areas surrounding the large German, Dutch and Belgian ports could only function optimally if each of the markets was regulated along similar principles (Chlomoudis & Pallis, 2002, p. 48). In addition, the Commission received several complaints from users and potential suppliers of port services about alleged breaches of the Treaty (European Commission, 1997, p. 26). Rather than examining such issues on a case by case basis, a port directive was meant to solve such issues by introducing a common framework (European Commission, 2001a).

Extensive literature shows that the Commission uses such situations to push for liberalisation policies (see theoretical part). However, in the port sector the Commission has been reluctant as there is an exemption for maritime services in the Treaty. It leaves the responsibility of port services in the hands of the Council (Article 84 in TEU; now Article 100). Without the legal means the Commission decided not to introduce any infringement procedures to open up the market of port services. Similarly, actors who would benefit from market access has refrained from initiating law suits.

In later policy documents environmental aspects were emphasised. In the White Paper "European Transport Policy for 2010: Time to Decide" the Commission acknowledges that the congestion on the main road and rail routes as well as harmful effects on the environment and public health requires a shift of the balance between modes towards maritime transport (European Commission, 2001b, p. 12). Compared to other modes of transport, maritime takes up less infrastructure space, is considerably quieter to the public and more energy efficient (2001b, pp. 17, 42). In addition, a number of bottlenecks could have been solved, if the Mediterranean ports had been more competitive (interview n). Substancial maritime transport coming to Europe originates from the Far-East. Although such transport passes through the Suez Canal and the Mediterranean, most of the cargo is offloaded in ports in Northern Europe. Cargo is thereafter transported by road or rail to onward destinations, contributing to congestion. A common framework was originally supposed to increase the efficiency of ports that were lagging behind, thereby reducing traffic jam. As a means to achieving this goal, the port directive aimed at opening up the port services market and creating common rules for (1) competition between ports and (2) competition between providers of a same port service within a port. In this context competition was a mediate goal (i.e. in terms of achieving the ultimate goal of efficiency) as well as a goal in itself (i.e. in terms of establishing the fundamental freedoms and the competition rules in the Treaty within seaports).

Based on such aims the Commission launched a proposal, which looked to establish common rules for the implementation of the freedom to provide port services.[1] The customers of port services, the shipowners, supported the purpose, as it would reduce their costs and increase efficiency (interview p). The shipowners had a well organised lobby in Brussels and was better organised than most other players in the maritime field. During the initial phases of the first proposal it was a very influential group, being in contact with the Commission almost on a daily basis (interview p). In contrast, the involvement of labour unions was limited (interview l): "In the beginning there was no influence existent because we were not consulted (interview s)". Similarly, the port authorities was a young interest group, which struggled to make a unified position due to the several different models of organisation in ports (Verhoeven, 2009). The most important organisational divide was between the ports in the Northern member states, which had already fulfilled improvements and feared intrusion from the EU and ports in the Southern member states, which were lagging behind. Until a unified position was reached, lobbying was difficult for the European Sea Ports Organisation (interview n).

[1] The proposal also included common rules for member states' right to requiring prior authorisation and limiting the number of service providers; procedures such as transparency rules; the right to self-handle, meaning the possibility for shipowners to provide services by themselves; duration of authorisations; and rights and obligations of port managing bodies.

According to the Commission (2001a, p. 4), consultations showed widespread support for establishing a common regulatory framework at the European level. However, the Economic and Social Committee (2002), which itself was fairly conservative towards the proposal, noted that the reservations on various points came from more groups than the Commission claimed in its communication. Not only did piloting, towing and mooring associations strongly oppose the draft, the port organisations were also reserved towards the form and content and the trade unions in the port handling sector feared serious social problems. In contrast, the Committee of the Regions (2002) broadly endorsed the proposal, arguing that sea ports policy should "be more commercially and business-oriented", supporting to phase out restrictions or monopolies on pilotage, towage, mooring and stevedoring. Liberalisation of such services proved to be highly disputed during the debates in the Council and the Parliament, which – following the ordinary legislative procedure – both had to approve of the legal text for the directive to be adopted.

At first reading in the Parliament the proposal was subject to substantial amendments, which considerably watered down the Commission's original proposal.[2] Still this amended version was adopted only by a very narrow majority in the Parliament. The explanations of Members of Parliament as to why they voted as they did at first reading (14th of November 2001), show the differing opinions typical for the whole debate surrounding the Port Directive. Some were positive towards competition, but wanted exemptions for pilotage and mooring due to safety reasons. Others feared that the directive would lead to job loss and health concerns and degrade quality of services. Also the camp supporting a market-driven approach expressed criticism. Conservative British representatives were, for example, concerned that the proposed directive would reverse the prosperity of private ports by imposing unneccessary bureaucracy on an already highly competitive and successful British ports market. Given this discussion and the fact that when a proposal has arrived the Parliament, the Commission may choose to withdraw the *whole* draft or not at all, the Commission (2002a) chose to include a considerable number of amendments and clarify points to avoid misunderstanding. Yet the Commission would not accept the exclusion of some of the most controversial points: pilotage and the limitation of self-handling rights nor the extended duration of authorisation.

Arriving in the Council, the proposal's overall aim was well received by the majority of delegations. Yet all delegations maintained a general scrutiny reservation; the most articulated ones raised by the United Kingdom and Denmark (Council of the European Union, 2002a). The Dutch

[2] The Members of Parliament increased the duration of authorisation; opened up for member states to limit market access if necessary not only for safety reasons, but also for economic efficiency; excluded pilotage from the scope of the directive; included the possibility to use equivalent award procedures to tendering; embraced compensation to predecessors for immovable assets; ensured compliance with employment legislation; and allowed to restrict self-handling (European Parliament, 2001).

expressed a general reservation on the mere need for a directive like the one proposed (Council of the European Union, 2002b), a position that was later followed by Belgium and Germany (Council of the European Union, 2002c, p. 2). Thus, important member states opposed the directive. Similar to the Parliament, the Council (2002d) emphasised the need for constraints related to capacity, safety, environmental protection and public service obligation. It uttered a concern of undue administrative burdens and feared difficulties of implementing long-term development policy. Having resolved various issues by, for instance, including the right of member states to demand certain criteria when granting authorisations, the member states agreed that the freedom to provide port services should prevail as a rule. None of the member states vetoed the proposal. As a single, watered-down proposal it was not important enough to block – no minister vetoes, if she knows that it will be a lost case (interview i). However, informally some of these countries continued to run against the proposal in conversations with parliamentarians (interview i).

According to the Commission (2002b), the Council's common position, respected the key principles of the proposal. Therefore the Commission supported the amended version. However, the Parliament was not convinced and reinstated exceptions for pilotage services and restricting self-handling to cases where shipping companies use their own sea-faring crew and not land-based personnel (European Parliament, 2003b). Again the Commission (2003, p. 5) rejected these amendments, but in the conciliation that followed the Council and the Parliament (2003) agreed to put these two controversial points back in as exceptions. The formulations would considerably weaken the Commission's original proposal.

The ILO Dock Work Convention 137 from 1973, which in practice means that there is restricted access to dock work for workers who are members of a union, is key to understand why self-handling was so controversial. Whilst this convention historically had solved several social problems (Dempster, 2010), the Commission (1997, p. 24) expressed apprehension, arguing that the obligation for port operators to use exclusively workers who are members of such pools may under certain circumstances constitute restrictions to access the port market, thereby limiting competition. Along those lines restrictions should be based on qualifications and not membership in a union (interview n). However, the consequences of repealing the monopoly of the workers were disputed as the unions played an important role in getting proper rules on safety and environmental aspects. Safety and environmental arguments were very visible. Ship accidents can cause huge environmental disasters and port workers do an important job in avoiding them, steering big ships in ports with limited space, ensuring stability and avoiding cargo shifts, which are also crucial for the safety of workers themselves (interview o). In addition, ports are important workplaces and several advocates were concerned with displacement processes, for example from cheap labour from abroad,

threatening to undermine well-functioning ports (interview p, r, i). The industry argued that the effect of self-handling understood as using seafaring personell only, was overstated as it in practice only happens in marginal cases. The following quote suggests that it would have been better to 'save' the directive than to insist on including self-handling:

> "The effects of self-handling were largely exaggerated by the unions. Nobody in the industry believed the stories that Filipino seafarers would come to European ports to take over the jobs of the dockers. Honestly, if you see those big container vessels that have very small crew onboard, how on earth could they load and unload a ship themselves? But the story was eagerly absorbed by the media and the perception was difficult to fight. […] In the end we even suggested to delete the entire reference to self-handling to save the good elements that were in the Directive. But such a compromise was not possible and the unions preferred to drown the entire Directive instead (interview n)".

Having reached a compromise in conciliation, the joint text went back to the Parliament for vote. On the 20th of November 2003 the Port Directive proposal was overturned by 20 votes in the Parliament[3]. It was a seldom occation – in ten years it was the third time that the Parliament had overturned an agreement reached in conciliation (European Parliament, 2003a). Some were surprised by the resistance it had created:

> "If you look at the compromise on the first proposal that was reached at the end of the negotiation process in Parliament and Council, it was rather light touch. The Directive contained a few basic principles that really should not have worried anybody. It would have created more transparency and a more level playing field. Who could be against that? The unions have greatly exaggerated the problems they saw coming from this all (interview n)."

Others explain the result arguing that a number of parliamentarians, who had expressed their agreement with the proposal, were absent during the vote (interview l). Another argument is that the final outcome of conciliation was not well communicated to the political parties (interview l). Similarly, labour unions suggest that if they had been included in the discursive debates, perhaps they would have taken a different stance: "If it was to develop a legal framework, to have legal clarity. Well, if they would have explained that from the beginning, maybe we hadn't been where we were (interview s)". This comment is interesting as most interview persons claim that the unions, although initially hampered by collective action problems[4], were central in influencing the outcome. Important were the actor constellations with other opposing interests such as established port

[3] 229 Members of Parliament voted against, 209 in favour and 16 abstained. Most members of the EPP-ED and ELDR groups were in favour of the agreement, whilst chiefly members of the PSE, Greens/EFA and GUE/NGL groups voted against (Votes of MEPs (20/11/2003 – EP: legislative resolution, 3rd reading).

[4] Whilst French and Belgian labour unions were strongly against the proposal and early contacted their national governments and socialist partners in the Parliament, the Spanish and Italian labour unions were initally supportive due to the clause that would allow for self-handling – this could facilitate for more maritime transport between the ports of Genoa and Barcelona (interview r).

operators and port property owners. Fearing to loose control of their own ports cities, regions or states that own port property found together with the unions and the established port operators, which were worried about increasing competition (interview q). In many regions there exist century-long relationships between the established port operators and the cities and in several cities ports are the most important employer. Whilst interests on the 'supply' side opposed the directive, actors on the 'demand' side (shipping companies, shippers and cargo interests, i.e. users of port services) mainly supported the proposal. However, opposers of the directive were late at realising the potential consequences of the directive: "The active force that ufolded with the first Port Package was understood quite late by technical experts and unions. […] We agreed that if there would be a second chance, we would closely cooperate from the beginning (interview i)". The next section shows that especially labour unions strongly mobilised in the second round and that in the end, even interest groups supporting the first proposal went together with the unions in fighting against the second proposal.

Second Attempt

Less than a year after the failure of the first proposal, the Commission launched the Port Directive again on the 13th of October 2004. Given that the member states had approved of an amended version of the first proposal in the Council, the Parliament had agreed on it in conciliation and that the proposal had only been rejected by a margin of 20 votes, the perception in the Commission was that the proposal was close to approval and that a second attempt could get the directive through. Due to the perceived consensus, the Commission did not identify any demands for assessments, so it decided to give it a second try without doing all the work that further assessments would have required (interview l). This view was shared by other advocates: "The people in the ports know exactly what it is all about. There is no need for impact assessments for that (interview q)".

The Commission would later regret this decision. To introduce a directive without re-opening consultations with the industry and unions was strategically not a clever move, especially as the proposal was not identical to the text agreed on in conciliation. Although rejected in conciliation, the Commission reintroduced controversial points such as the right of the self-handler to use its own land-based personnel. Also self-handling for pilotage would be possible. The resistance was huge. Interest groups that were largely in favour of the directive now went against it. Representatives from the industry claimed that the proposal was unworkable:

> "The second directive was a mistake. In such a short time it was not clever to make a second proposal, which was also for us unworkable. So we then decided jointly, even jointly with the unions, to shoot it down. So we went to the Parliament and said, this doesn't work, reject it. [So what was it about the second proposal that didn't work for you?] Well, there were a lot of conditions in there on everything

> more or less, which were not taking into account reality. It was not real. It was for labour, concessions, pilotage, for everything. It was not one specific point, but the whole thing was badly presented and also politically it was not clever strategically to propose a second one so short after the first one (interview p)".

The proposal was criticised for being insentient and badly timed. Proponents of the directive criticised the Commission for not taking the time to build consensus and communicate the aims:

> "It [the Commission] first of all came too soon with the second proposal. Secondly, and more importantly, they didn't respect the compromise that was found on the first proposal. This upset so many people, both in the sector and the European Parliament, that in the end it went down very quickly. The Commission should have played the second attempt a little bit more smart and then they would have got it through (interview n)".

By rushing to launch the second proposal the Commission created turmoil in the sector and the industry was concerned by the impact of the stir, for example, the economic losses that labour demonstrations would impose. A few strikes had already been organised. The dockers blocked the port in Antwerp for three days just before the vote of the second proposal in January 2006. Similar actions took place in Rotterdam, Marseilles, Le Havre and Thessaloniki (Parks, 2008, p. 49). The economic impact of such demonstrations is huge, directly affecting both port authorities and the shipping industry. As key nodal points in supply chains ports are very important. Also members of the right-wing in Parliament questioned whether it was worth it, having a conflict on this issue (interview r).

> "I think everybody was afraid of all the turbulence that the process on the Directive had created. When you have workers on strike, then you have a lot of economic losses. And many ports prefer to have social peace. Even if there are local monopolies and restricted practices, ports can survive with them, but if the ports close, then everybody will suffer (interview n)".

As a consequence, the unions were very powerful and after the directive perhaps even more so[5]. There is a high degree of loyalty among workers in different ports, which contributes to making them confident: "Much of the strength is the tight ties between ports. If something happens in one country, I can promise you that they are very quickly standing still in another country's ports, if they are asked to. Probably they would have been able to stop ships going to the country, so it's an effective system (interview o)".

Also other aspects were questioned. Both the Committee of the Regions (2005) and the Economic and Social Committee (2005) raised issues with regards to lack of consideration of the prevailing market structure in the port structure and argued that the proposal would weaken the

[5] The European Transport Workers' Federation confirms this, "the ETF unions' successful fight against the Proposal for a Directive on Market Access to Port Services […], has helped build a truly motivated, mobilised and strong Ports and Docks Section" (http://www.itfglobal.org/etf/dockers.cfm).

capacity for investment in the sector. Likewise, actors from a Northern point of view put forth that the need for the directive was not clarified in the first place, nor was it based on the specific needs of the port sector (see Van Hooydonk, 2005, p. 204f). Such issues were higlighted in a document assessing the impacts of the proposed directive that was prepared by the German government in cooperation with the Institute of Shipping Economics and Logistics and two professors (2005). The document was spread among member states and contributed to increasing resistance against the directive (interview i). The stir that was created added fuel to resistance that was already present during the first directive. In the face of this, the Commission admits that the second attempt was not clever with regards to the actor constellations that joined forces to work against the directive:

> "In today's perspective we should have re-opened the consultation process and carried out an expanded impact assessment, because of course the proposal was controversial. We were proposing a structural reform, removing a lot of established interests. We were removing exclusive rights, we were removing long standing monopolies in many member states and there were many actors affected and, this is my personal view, the directive was not approved in Parliament because we had so many interest groups against us. Normally we have a balance with some interest groups that support you and some interest groups against you, but in that case we had a situation in which the incumbents – port authorities, terminal operators, technical-nautical services, dockers – had significant bargaining power, including the capacity of shutting down essential facilities [the ports] and creating social unrest. Each one of those groups, for their own particular reasons, were against the proposal (interview l)."

Moreover, it is suggested that the new Commissioner, Jacques Bardot, was more reluctant to push the directive forward than his active predecessor, Loyola de Palacio, had been (interview n; p). Events that may have played a role for their different eagerness in gaining a port directive are problems experienced in Mediterranean ports and the French rejection of the EU Constitution. On one hand, the belief that the Port Directive would improve Mediterranean ports to the level of Northern ports gave a spur to push for this directive (interview l; n). This was an important aim for Palacio, coming from Spain. Therefore, she hurried to introduce the second proposal, before leaving office. On the other hand, fears of excessive economic liberalism were given as one of the reasons for the French "no" to the EU Constitution in May 2005. Under this circumstance it was not popular to push for the Port Directive, which attracted attention as another liberalisation attempt (EurActiv, 2006a). In addition the Erika disaster – Erika sank off the coast of France in 1999, causing one of the greatest environmental disasters in the world – and the sinking of Prestige in 2002 highlighted the risks inherent to vessels going on oceans (Beauvallet, 2010). It may have had counter-productive effects on the Commission's aim of promoting maritime transport (see Michalowitz, 2007, p. 143) and legitimised the arguments of those opposing the directive.

As a result, the rapporteur, Georg Jarzembowski, who favoured the directive was left 'alone' to fight after the Transport Committee in the Parliament failed to adopt the report prepared by the rapporteur. The divided Committee was unable to amend the Commission's proposal. In addition, the unions mobilised 6,000 dock workers from 16 countries to demonstrate in Strasbourg on the day of the vote (European Transport Workers' Federation, 2006). Compared to other similar dossiers the Port Directive was also very mediatised (interview n). The substantial media visibility to concerns of labour unions and their partners in the Parliament gave them considerable recognition (Beauvallet, 2010). On the voting day the unions had organised for a boat with a television team to follow the demonstration. On the 18th of January 2006 the Parliament resoundingly rejected the proposal with 532 votes against, 120 in favour and 25 abstaining. After the vote the rapporteur described the situation as won by "an unholy alliance of rock-throwers and defenders of the status quo (cited in: EurActiv, 2006b)". Transport Commissioner Jacques Barrot declared, "Today's vote is clear. It leaves no room for doubt as to Parliament's position on this proposal as submitted after the failure of the earlier proposal (cited in: EurActiv, 2006b)".

5. Conclusion

Resuming the five expectiations in the theoretical part, the Port Directive contributes with interesting findings. Starting with the first (E1) the case study does not give any importance to judicial aspects. Yet given the lack of legal means in the Treaty, the Commission's ability to draw on legal clauses or threaten with litigation was limited. Therefore this condition may have played a role.

The second expectation (E2) proposes that the legislators opposed to a framework that had become too unclear due to the watering-down of the original draft. This is true for advocates from the shipping industry, which finally turned against the proposal because it ended up endorsing 'everything' and therefore became an 'unworkable' piece of legislation. However, for interests opposing the draft from the beginning, the failure was rather caused by the Commission's lack of willingness to remove controversial elements. For such advocates the proposal was not watered-down enough. The Commission provoked both sides by launching a new proposal so quickly after the first failure without re-opening consultations and impact assessments. In the end the Members of Parliament, who endorsed the proposal, gave in due to the conflict it created.

These findings are related to the third expectation (E3) on neglection of large societal interest groups in consultations and its effect on compromise finding. It regards the actual opening for input and the possibility to communicate arguments to disagreeing actors. In the port case several advocates highlighted the importance of consultations to balance and better explain the proposal – that the lack of such elements in the process contributed to the failure. Moreover,

interviews with labour unions indicate that a compromise could have been possible, if they had been taken seriously from the beginning.

Important was also the number of opposing interests on the 'supply' side of ports, confirming the fourth expectation (E4) that coalition building across different interests was crucial for the decision to turn down the proposal. Established port operators and port property owners partly sided with labour unions because they were concerned about weakening investment capacities and loosing regional control. Similarly, member states that were critical towards the directive, informally cooperated with such interests to run against the proposal, although having given assent in the Council.

Also the fifth expectation (E5) receives support. The labour unions were influential because they were able to frame their argument and act in a visible way: They highlighted the environmental and safety risks inherent to vessels at sea, refered to such recent occasions and mobilised mass protests and blocking ports. The fact that ports are crucial nodes in transport chains made any threat of blockage effective due to its potential economic ramifications. In addition, the limited spatial area of ports, the loyalty and high degree of organisation among dockers contributed to making the threat effective.

To sum up, the analysis highlights two conclusions: Firstly, actor constellations played an important role for explaining the policy outcome. Interest groups fearing unemployment and social issues sided against the directive with groups that feared loosing control of their ports. Within this constellation the role of the labour unions is remarkable for reasons mentioned above. In the view of several proponents of liberalisation the proposal that had already been watered-down was not worth the conflict.

Secondly, the gap between the possibility of giving input and how the process was organised politicised the process. The 'war on the waterfront' (Turnbull, 2006) rose after the Commission initiated the directive a second time shortly after the first failed attempt, leaving out consultations and impact assessments. Opportunities of communicating the purpose and balancing the proposal further were lost.

Although the findings only draw on a single-case study, it is interesting for refining existing theories for the following reasons. Firstly, the port case illustrates the typical dichotomy between the service and the competition perspective, which is prominent in every debate about liberalisation of public services (Prosser, 2005). Secondly, lack of inclusion of labour unions have resulted in politicisation and modification of policies also in other sectors (Loder, 2011; Parks, 2008). Finally, although the labour unions in the port sector seems exceptionally strong and mass protests in front

of EU institutions are rare, such demonstrations may be a signal of labour unions starting to show muscles at the European level (Della Porta, 2007, p. 199).

References

Aspinwall, M. (1999). Planes, Trains and Automobiles. Transport Governance in the European Union. In B. Kohler-Koch & R. Eising (Eds.), *The Transformation of Governance in the European Union* (pp. 119-135). London: Routledge.

Baumgartner, F. R. (2007). EU Lobbying: A View from the US. *Journal of European Public Policy, 14*(3), 482-488.

Beauvallet, W. (2010). The European Parliament and the Politicisation of the European Space - the Case of the Two Port Packages. In J. Rowell & M. Mangenot (Eds.), *Reassessing Constructivism. A Political Sociology of the European Union* (pp. 164-181). Manchester: Manchester University Press.

Beyers, J. (2008). Policy Issues, Organisational Format and the Political Strategies of Interest Organisations. *West European Politics, 31*(6), 1188-1211.

Beyers, J., & Kerremans, B. (2007). Critical Resource Dependencies and the Europeanization of Domestic Interest Groups. *Journal of European Public Policy, 14*(3), 460-481.

Bouwen, P. (2002). Corporate Lobbying in the European Union: the Logic of Access. *Journal of European Public Policy, 9*(3), 365-390.

Chlomoudis, C. I., & Pallis, A. A. (2002). *European Union Port Policy: The Movement Towards a Long-Term Strategy* Cheltenham, Northampton: Edward Elgar.

Committee of the Regions. (2002). *Opinion of the Committee of the Regions on: the "Communication from the Commission to the European Parliament and the Council, Reinforcing quality service in sea ports: A key for European transport, and Proposal for a Directive of the European Parliament and of the Council on market access to port services", the "Commission Staff Working Document on public financing and charging practices in the Community sea port sector (on the basis of information provided by the Member States)", and the "Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and departing from Community ports"*. Official Journal of the European Communities Retrieved from http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=2&procnum=COD/2001/0047.

Committee of the Regions. (2005). *Opinion of the Committee of the Regions on the Proposal for a Directive of the European Parliament and of the Council on market access to port services and the White Paper on the review of Regulation 4056/86, applying the EC competition rules to maritime transport*. (2005/C 231/04). Brussles: Official Journal of the European Union Retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:231:0038:0045:EN:PDF.

Council of the European Union. (2002a). *Outcome of Proceedings*. Retrieved from http://register.consilium.europa.eu/pdf/en/02/st06/st06392.en02.pdf.

Council of the European Union. (2002b). *Outcome of Proceedings. Market Access to Port Services*. (8180/02). Retrieved from http://register.consilium.europa.eu/pdf/en/02/st08/st08180.en02.pdf.

Council of the European Union. (2002c). *Report. Market Access to Port Services. Political Agreement on a Common Position*. (9903/02). Retrieved from http://register.consilium.europa.eu/pdf/en/02/st09/st09903.en02.pdf.

Council of the European Union. (2002d). *Statement of the Council's Reason. Common Position adopted by the Council 5 November 2002 with a view to the adoption of a Directive on Market Access to Port Services*. (11146/1/02). Brussels: Retrieved from http://register.consilium.europa.eu/pdf/en/02/st11/st11146-re01ad01.en02.pdf.

Della Porta, D. (2007). The Europeanization of Protest: A Typology and Empirical Evidence. In B. Kohler-Koch & B. Rittberger (Eds.), *Debating the Democratic Legitimacy of the European Union* (pp. 189-208). Plymouth: Rowman & Littlefield Publishers, Inc.

Dempster, J. (Ed.). (2010). *The Rise and Fall of the Dock Labour Scheme*. London: Biteback Publishing Ltd.

Dür, A. (2008). Interest Groups in the European Union: How Powerful Are They? *West European Politics, 31*(6), 1212-1230.

Eberlein, B. (2008). The Making of the European Energy Market: The Interplay of Governance and Government. *Journal of Public Policy, 28*(1), 73-92.

Economic and Social Committee. (2002). *Opinion of the Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council on market access to port services'*. Official Journal of the European Communities Retrieved from http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=2&procnum=COD/2001/0047.

Economic and Social Committee. (2005). *Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council on market access to port services*. (2005/C 294/06). Brussels: Official Journal of the European Union Retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:294:0025:0032:EN:PDF.

Eising, R. (2002). Policy Learning in Embedded Negotiations: Explaining EU Electricity Liberalization. *International Organization, 56*(01), 85-120.

Eising, R., & Jabko, N. (2001). Moving Targets: National Interests and Electricity Liberalization in the European Union. *Comparative Political Studies, 34*(7), 742-767.

EurActiv (Producer). (2006a, 16 January). Dockers in protest over liberalisation of port services. [Article] Retrieved from http://www.euractiv.com/en/transport/dockers-protest-liberalisation-port-services/article-151559

EurActiv (Producer). (2006b, 19 January). Parliament rejects port services. [Article] Retrieved from http://www.euractiv.com/en/socialeurope/parliament-rejects-port-services-directive/article-151713

European Commission. (1997). *Green Paper on Sea Ports and Maritime Infrastructure*. Brussels: Retrieved from http://aei.pitt.edu/1234/1/sea_ports_gp_COM_97_678.pdf.

European Commission. (2001a). *Communication from the Commission to the European Parliament and the Council. Reinforcing Quality Service in Sea Ports: A Key for European Transport. Proposal for a Directive of the European Parliament and of the Council. On Market Access to Port Services*. (COM (2001) 35 final, 2001/0047 (COD)). Brussels: EUR-Lex Retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0035:FIN:EN:PDF.

European Commission. (2001b). *White Paper. European Transport Policy for 2010: Time to Decide*. Luxembourg: Office for Official Publications of the European Communities.

European Commission. (2002a). *Amended proposal for a Directive of the European Parliament and of the Council on Market Access to Port Services*. Brussels: Official Journal of the European Communities Retrieved from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2002:181E:0160:0175:EN:PDF.

European Commission. (2002b). *Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a directive of the European Parliament and of the Council on Market Access to Port Services*. Brussels: Retrieved from http://register.consilium.europa.eu/pdf/en/02/st14/st14916.en02.pdf.

European Commission. (2003). *Opinion of the Commission pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a Directive of the European Parliament and of the Council on Market Access to Port Services*. Brussels: Retrieved from http://register.consilium.europa.eu/pdf/en/03/st08/st08564.en03.pdf.

European Parliament. (2001). *Position of the European Parliament adopted at first reading on 14 November 2001 with a view to the adoption of European Parliament and Council Directive 2001/.../EC on market access to port services (2001/0047(COD) - PE1)*. European Parliament Register of Documents Retrieved from http://www.europarl.europa.eu/sides/getDoc.do?type=TC&reference=P5-TC1-COD-2001-0047&language=EN&format=PDF.

European Parliament. (2003a). *COD/2001/0047: 20/11/2003 - EP: legislative resolution, 3rd reading*. The Legislative Observatory Retrieved from http://www.europarl.europa.eu/oeil/resume.jsp?id=206252&eventId=79033&backToCaller=NO&language=en.

European Parliament. (2003b). *Position of the European Parliament adopted at second reading on 11 March 2003 with a view to the adoption of European Parliament and Council Directive 2003/.../EC on market access to port services (EP-PE_TC2-COD(2001)0047)*. European Parliament Register of Documents Retrieved from http://www.europarl.europa.eu/sides/getDoc.do?type=TC&reference=P5-TC2-COD-2001-0047&language=EN&format=PDF.

European Parliament, & Council of the European Union. (2003). *Joint text approved by the Conciliation Committee provided for in Article 251(4) of the EC Treaty*. (PE-CONS 3670/03). Brussels: Retrieved from http://register.consilium.europa.eu/pdf/en/03/st03/st03670.en03.pdf.

European Transport Workers' Federation (Producer). (2006, 13 January). Dockers reject Ports Package at mass demonstration. [Article] Retrieved from http://www.itfglobal.org/etf/etf-press-area.cfm/pressdetail/695

Falkner, G. (Ed.). (2011). *The EU's Decision Traps. Comparing Policies*. New York: Oxford University Press.

Federal Ministry of Transport Building and Housing. (2005). Impact Assessment of the Draft Directive of the European Parliament and of the Council on Market Access to Port Services (Port Package II). Summary Report. Bremen: Institute of Shipping Economics and Logistics.

Gajewska, K. (2008). The Emergence of a European Labour Protest Movement? *European Journal of Industrial Relations, 14*(1), 104-221.

Greenwood, J., & Aspinwall, M. (1998). *Collective Action in the European Union: Interests and the New Politics of Associability*. London/New York: Routledge.

Héretier, A. (1999). *Policy-Making and Diversity in Europe. Escape from Deadlock*. Cambridge: University Press Cambridge.

Héritier, A., Kerwer, D., Knill, C., Lehmkuhl, D., Teutsch, M., & Douillet, A.-C. (2001). *Differential Europe. The European Union Impact on National Policymaking*. Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publishers, Inc.

Holzinger, K., & Schimmelfennig, F. (2012). Differentiated Integration in the European Union: Many Concepts, Sparse Theory, Few Data. *Journal of European Public Policy, 19*(2), 292-305.

Humphreys, P. (2007). The EU, Communications Liberalisation and the Future of Public Service Broadcasting. In K. Sarikakis (Ed.), *Media and Cultural Policy in the European Union* (pp. 91-112). Amsterdam: Rodopi.

Humphreys, P., & Padgett, S. (2006). Globalization, the European Union, and Domestic Governance in Telecoms and Electricity. *Governance, 19*(3), 383-406.

Kerwer, D., & Teutsch, M. (2001). Transport Policy in the European Union. In A. Héretier, D. Kerwer, C. Knill, D. Lehmkuhl, M. Teutsch & A. Douillet (Eds.), *Differential Europe* (pp. 23-57). Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publishers, Inc.

Kohler-Koch, B., & Quittkat, C. (2011). What is 'Civil Society' and Who Represents it in the European Union? In U. Liebert & H.-J. Trenz (Eds.), *The New Politics of European Civil Society* (pp. 19-39). London/New York: Routledge.

Loder, J. (2011). The Lisbon Strategy and the Politicization of EU Policy-Making: the Case of the Services Directive. *Journal of European Public Policy, 18*(4), 566-583.

Mahoney, C. (2007). Networking vs. Allying: the Decision of Interest Groups to Join Coalitions in the US and the EU. *Journal of European Public Policy, 14*(3), 366-383.

Martinsen, D. S., & Falkner, G. (2011). Social Policy. Problem-Solving Gaps, Partial Exits, and Court-Decision Traps. In G. Falkner (Ed.), *The EU's Decision Traps. Comparing Policies* (pp. 128-144). New York: Oxford University Press.

Mazey, S., & Richardson, J. (2001). Interest Groups and EU Policy Making: Organizational Logic and Venue Shopping. In J. Richardson (Ed.), *European Union: Power and Policy-Making*. London: Routledge.

Michalowitz, I. (2007). What Determines Influence? Assessing Conditions for Decision-Making Influence of Interest Groups in the EU. *Journal of European Public Policy, 14*(1), 132-151.

Olsen, J. P. (2010). *Governing through Institution Building. Institutional Theory and Recent European Experiments in Democratic Organization*. Oxford: Oxford University Press.

Parks, L. (2008). *In the Corridors and in the Streets: A Comparative Study of the Impacts of Social Movement Campaigns in the EU.* PhD, European University Institute, Florence.

Prosser, T. (2005). *The Limits of Competition Law. Markets and Public Services*. New York: Oxford University Press.

Scharpf, F. W. (2012). Perpetual Momentum: Directed and Unconstrained? *Journal of European Public Policy, 19*(1), 127-139.

Schmidt, S. K. (1998). Commission Activism: Subsuming Telecommunications and Electricity under European Competition Law. *Journal of European Public Policy, 5*(1), 169-184.

Schmidt, S. K. (2000). Only an Agenda Setter?: The European Commission's Power over the Council of Ministers. *European Union Politics, 1*(37), 37-61. doi: 10.1177/1465116500001001003

Schmidt, V. A. (2000). Democracy and Discourse in an Integrating Europe and a Globalising World. *European Law Journal, 6*(3), 277-300.

Turnbull, P. (2006). The War on Europe's Waterfront - Repertoires of Power in the Port Transport Industry. *British Journal of Industrial Relations, 44*(2), 305-326.

Van Hooydonk, E. (2005). The European Port Services Directive: the Good or the Last Try? *Journal of International Maritime Law, 11*(3), 188-220.

Verhoeven, P. (2009). European Ports Policy: Meeting Contemporary Governance Challenges. *Maritime Policy & Management, 36*(1), 79-101.