

Portius

# The world's first ever port law centre



Photo: Portius

**Portius is a brand-new law centre with focus on international and EU port law. It is the world's first institution to specialize in the study of the law of both maritime and inland ports.**

**P**ortius is an independent non-profit academic institution hosted by Ghent University and the College of Europe in Bruges (Belgium) and Natolin-Warsaw (Poland). Moreover, the centre is actively supported by the port authorities of Ghent and Zeebrugge, two major sea ports in the Scheldt-Rhine Delta.

### The anomalous nature of port law

Located in the maritime heart of Europe and within a stone's throw from Brussels, Portius was officially inaugurated on 7 September 2010 at a ceremony at the Castle of the Counts in Ghent, Belgium. The centre's chairman Prof. Eric Van Hooydonk delivered an inaugural lecture in which he underlined the rich tradition, vitality and originality of port law. He argued that port law is integral to general maritime law and is characterized by its numerous deviations from general law

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and even by the tendency of ports preferably not to be subjected to legal regulation. In a fascinating way, port law combines port-related aspects of maritime and transport law, international law of the sea, public, economic, labor and environmental law as well as various other branches.

### Opportunities for Baltic ports

Portius wishes to cooperate closely with Baltic port authorities, port operators and port users. Many Baltic ports are facing important legal challenges, such as port management reform, transitions to landlord port authority and concession models, environmental constraints, competition between EU and non-EU ports, compatibility of public financing of port construction and maintenance works with EU rules, places-of-refuge regulations under the HELCOM cooperation agreement, the regime of free zones in ports, among other. In his speech, Prof. Van Hooydonk mentioned as an example the recently published landmark decision by the European Commission on state aid to the port authority of Ventspils, Latvia, where the State contributed to the financing of various infrastructure works (including a breakwater and new berths exploited by private concessionaires). In its decision, the Commission even

considered investments in the new breakwater, the fortification of the coast of the port channel and a mooring jetty for public authority vessels necessary in order to render the commercial operation of the port possible. For that reason, such investments in the general interest of the port, too, may be considered "commercial" and resulting in an economic advantage for the port authority. However, the Commission preferred not to decide on the state aid nature of these non-user specific investments, because even if an aid element was present, such aid would be compatible with the internal market. The Commission found that the construction or upgrading and the operation of the port facility met a clearly defined objective of EU interest and that the aid scheme was both necessary and proportional. It considered that State intervention contributed to a more rational and sustainable traffic flow and was thus coherent with EU transport policy objectives. "What is important in the Ventspils decision", Prof. Van Hooydonk said, "is that the Commission suggests that even the funding of general port infrastructure (such as coastal defence works, access routes and public authority functions) may constitute state aid to a port authority and that it will need to be notified to and sanctioned by the Commission. This confirms a trend to treat ports, and particularly port authorities, as

ordinary economic actors under EU law. This underlines the increasing importance to the port industry of the EU legal framework."

### Strong partnerships

Portius offers a specialized top-level course in port law for lawyers and experienced port managers. The centre hosts an annual port law conference and publishes a port law yearbook and it organizes events and tailor-made training courses on all relevant port law issues. Professor Van Hooydonk believes that Portius can offer an added value to port managers and lawyers in the Baltic area. He states, "as a matter of fact, Portius is a unique means to share expertise and to network with port lawyers from other regions in the world. Our training programme and the forthcoming 2011 port law conference will focus on topical issues of international and EU port law all of which directly and increasingly impact on Baltic ports. Portius is fortunate to have direct access to the Baltic audience through its partnership with the College of Europe and especially its campus in Natolin (Warsaw). In addition, we have invited the Baltic Ports Organization to join Portius as a partner." ■

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