



Laga Newsflash

European Commission looking for input on future regime for liner shipping consortia

On 27 September 2018, the Commission launched a **public consultation** seeking the views of shipping companies, their clients (shippers and freight forwarders), port operators and their respective associations on the Consortia Block Exemption Regulation¹. It is part of a wider Commission effort to evaluate the Consortia Block Exemption Regulation, which started in May 2018.

The Consortia Block Exemption Regulation allows for shipping lines with a combined market share below 30% to conclude co-operation agreements to provide joint cargo transport services under certain conditions. These co-operation agreements are commonly referred to as "consortia".

The current Consortia Block Exemption Regulation will expire on 24 April 2020. In order to decide whether to maintain the current Consortia Block Exemption Regulation, and if so, under which conditions, the Commission has launched the public consultation.

The review by the Commission also fits in the general trend of the European Commission's competition policy to abolish sector-specific competition legislation in favour of instruments providing general guidance on the application of Article 101 Treaty on the Functioning of the European Union. The Consortia Block Exemption Regulation is the only remaining maritime-specific competition instrument.

All **stakeholders are invited to submit their views** by 20 December 2018.

Laga can help in responding to the Commission's public consultation

Laga has the knowledge and expertise to assist companies in drafting responses to the Commission's questionnaire. The firm's team of dedicated and highly specialised competition lawyers assists clients in drafting answers to public enquiries by the Commission in a variety of economic sectors and across different stakeholders.

Answering Commission questionnaires requires taking into account the client-specific data, but also placing this data in the wider context of competition law, in order to allow the European Commission to craft the best possible competition law approach for the shipping sector as well as to put forward the interests of the clients.

The Commission seeks input – through a series of open questions – on the following 5 topics:

Effectiveness

Does the Consortia Block Exemption Regulation still facilitate economically efficient cooperation that also benefits consumers?

Efficiency

What is the effect of the Consortia Block Exemption Regulation on costs? Which policy option would cause less burden or complexity?

Relevance

Is the Consortia Block Exemption Regulation still relevant considering the major developments in the industry and the modes of cooperation between carriers?

Coherence

Is the Consortia Block Exemption Regulation coherent with the general policy of harmonising competition rules and replacing sector-specific rules with measures providing general guidance on the application of Article 101 TFEU?

EU added value

What is the added value of the Consortia Block Exemption Regulation considering the Commission's measures of providing general guidance on the application of Article 101 TFEU?

For any questions on this public consultation, please get in touch with Hendrik Viaene (contact details below) or your normal contact person within Laga.

¹ Council Regulation (EC) No 246/2009, of 26 February 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia), OJ [2009] L 79/1.



Laga
Gateway building
Luchthaven Nationaal 1J
1930 Zaventem
Belgium

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