



**BRITISH PORTS**  
ASSOCIATION

23 February 2023

Competition and Markets Authority  
The Cabot  
25 Cabot Square  
London  
E14 4QZ  
cberreview@cma.gov.uk

Dear Sir/Madam

**British Ports Association response to the 'UK competition law: Liner Shipping Consortia Block Exemption Regulation Consultation'**

We are pleased to make a short submission for your consideration on behalf of the UK ports industry. The British Ports Association (BPA) is the national body for ports and harbours and within our membership are a wide range of over 400 UK ports and terminals that collectively facilitate around 86% of the UK's international trade. This includes most of the major container port (although not all) operators and port authorities that facilitate the UK's deep and short sea container activities. We also represent ports across the UK on an equal basis and are an open and inclusive association, with our own competition policy.

The ports industry plays a vital role in our economy, facilitating over 95% of the UK's international trade. The sector provides important hubs of regional and nationally significant economic activity and employment, often in areas of deprivation. The UK's imminent departure from the EU has created a fresh impetus for a new and innovative growth-generating policy in our coastal communities. However we cannot escape our geographic location and in terms of container activity, to which this consultation is mainly relevant, the UK remains closely aligned to European trade and routes and therefore we feel it important not to deviate greatly from the rules the EU has in place.

Our response is made in general and not in respect of any specific questions. To summarise we broadly agree with the CMA's proposed recommendations and in particular to make a block exemption Order to replace the retained CBER. As is stated in the consultation the CBER has been retained in UK law following the UK's withdrawal from the EU and sets out an automatic exemption for certain agreements between liner shipping companies offering international services from or to one or more ports in the UK, allowing them to cooperate and provide joint services through 'consortia'. This includes capacity adjustments in response to fluctuations in supply and demand, the joint operation or use of port terminals, and certain other ancillary activities. These are, in part, relevant to UK shippers. The container shipping industry is in nature global and international and therefore we need to be mindful of setting rules in the UK that deviate from elsewhere. We therefore would give our tentative and somewhat benign support for the continuation of this policy.

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*British Ports Association – Speaking for UK Ports*

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That said the UK has a wonderfully diverse ports sector and mix of maritime trades which do not need public interventions so we would also be mindful of any wider competition rules which could disrupt existing markets.

In particular, the container ports sector in the UK offers shippers choice and there has been and continues to be investment in London Gateway and Southampton Container Terminal, which follows development at the Port of Liverpool. This is either in private ownership, strategically and financially independent of government and/or self-financing, and so has not come at a cost to the government. [X]. Operators like DP World have and will invest serious sums of money in ports and logistics infrastructure. The UK also has a range of short sea container and Ro-Ro facilities. We would therefore view the unitised ports sector as having sufficient competition and not in need of other interventions.

Thank you for taking our views. If you hold any discussion sessions, I or a representative from the BPA would be delighted to attend.

Yours faithfully,

[X]

Richard Ballantyne OBE  
Chief Executive, British Ports Association