TOWARDS A NEW GOVERNANCE SCHEME FOR THE ITALIAN PORTS

Claudio Ferrari, University of Genova, ferrari@economia.unige.it

Enrico Musso, University of Genova, musso@economia.unige.it

ABSTRACT

The port reform law nr. 84/1994 marks the starting point of a lucky season for the Italian port industry. The law, that introduced in Italy the landlord port authority model, happened in a stage of great reforms concerning the Italian transport industry, supported and sometimes forced by similar EU initiatives, all characterized by a new organizational scheme of the infrastructural momentum and a privatization process of the production of the transportation service. That season produced its best results in Italy just in the port industry while in other transport modes it is still barely able to be fully applied, such as the rail sector and urban transports. The changes introduced by the law determined in a few years a real national port industry renaissance: Italian ports became again the leaders in the Mediterranean both as gateway ports and as transhipment ports: Gioia Tauro, where the operations started just a few months after the law approval, in 1997 equalled the traffic of the Spanish port of Algeciras and the following year it became the first transhipment port in the Mediterranean (and the 15th in the world in the container sector). Surely the law voted in 1994 was positive for the Italian ports, anyway its 15 years enforcement has shown several critical aspects and weaknesses. The opportunity of reflecting on the governance structure of ports and on the changes affecting the whole logistics chain of transport is given by the relative and absolute loss of position of Italian ports in respect to their competitors of the North European range as well as of the South European range (and the ports of Northern Africa will compete fiercely in the next future). Considering only the container traffic, from 2003 to 2008 the market share of Italian ports decreased from 20,7% to 15,7% in favour of its main European competitors. The loss of attractiveness of Italian harbours is a clear symptom of the several difficulties of the national ports in facing the rapid changes repeatedly affecting the port industry. The Italian Government is going to present a bill concerning the ports governance reform. The present paper discusses from an economic point of view the weaknesses of the 84/1194 law and how (and if) the new bill is tackling them.

Keywords: port governance, landlord port authority, port regulating scheme

INTRODUCTION

The port reform law n.84 approved in 1994 has undoubtedly contributed to start a happy season of Italian port activities. It has put an end to at least a decade of paralysis of the main national ports; it is not a coincidence that in the years just before the law, Ravenna was among the most dynamic calls due to a particular situation: the public domain area is limited to a strip of land, that allowed the port to carry on a slender management in comparison to other national harbours and to use private companies for port operations outside the public domain area.

The passing of the 84/94 law takes place in a season of reforms that took place in our country in the transport sector, also boosted by some European initiatives that were all characterized by a new organization of transport infrastructures and the privatization of the production of the transport services (or those auxiliary to it); a season of changes that has given its biggest results in the port activities while still has some problems to take off in the railway transport and the local public transport. This season seems almost worn out today, at least in its liberalizing and market opening boost, intended as fair competition between operators (very similar among themselves), characteristics that are not found in the current transport set up.

The port reform has introduced in Italy the landlord port authority model that implies the assignment to the public sector of the planning and control activities and leaves to the private enterprises the management of the terminals and traffic operations. At the same time it has carried out relevant novelties to the sector because it has abolished the port labour reserve, allowing private firms to organize the work and the management of the port terminals through the authorization and administrative concession tools, limiting the role of the public sector in charge of the port administration to the strategic planning specially through the port regulating plans (PRP) and the triennial operative plans (TOP).

All these novelties, partially anticipated by the Genoese port in the late ‘80s, led within a couple of years to a renaissance of the national port activities (Marchese et al., 1998) that brought Italy to excel in the Mediterranean Sea both as ports of destination and in the transhipment operations, with the port of Gioia Tauro that started its operations just in the months that followed the approval of the law, and in 1997 almost equalled the traffic handled by the Spanish port of Algeciras, while in the following year it became the first transhipment port of the Mediterranean (and the 15th in the world in terms of number of teus handled).

The Fig. 1, referred to containerized traffic only, clearly shows the increase of the Italian share of port activities in comparison to its Northern-European competitors (Belgium, the Netherlands and Germany) and Southern Europe ones (France and Spain).

The approval of that law essentially recognized the changed role of the ports: not anymore as places where the break of bulk takes place, but essential rings of a chain that has to be as smooth as possible, making it possible for maritime operators to integrate vertically.

After having analyzed the main critical points (Section 2) that characterize the current Italian port regulation scheme in the light of the changes that took place during the last two decades, the paper briefly describes the different solutions presented in some reform bills (none of them voted) and those presented in the text that unifies the bills nr. 143, 263 and 754 currently under discussion at the Commission of Public Works of the Senate (Section 3), and discusses their main economic implications (Section 4).

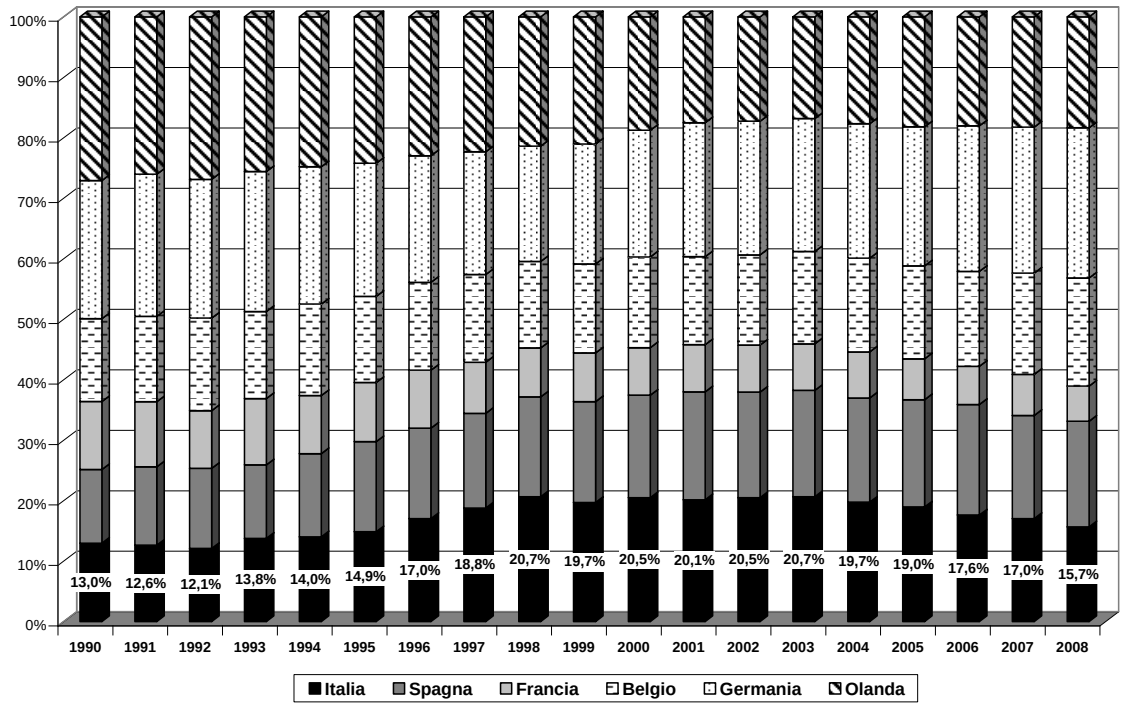

Figure 1 – Container Traffic (%) in a sample of European Countries from 1990 to 2008 (Source: Containerisation International)

THE CRITICALITIES OF THE PORT REGULATING SCHEME EMERGED IN THE FIFTEEN YEARS FROM ITS APPROVAL

Despite the judgement on the law issued in 1994 cannot be but positive, it is necessary to admit at the same time, that in these fifteen years of application several critical points have emerged. Today is compelling to reflect again on the port regulating scheme, in the light of the transformations that took place throughout the logistics chains that interest the maritime transport industry, as shown by the loss of relative positions of the Italian ports registered from the beginning of the new millennium in respect to North European competitors, but also to all the other countries that face the Mediterranean (Spain, in particular). In relation with the containerized traffic, Fig. 1 clearly shows how from 2003 to 2008 the national ports have witnessed the decrease of their market shares in comparison to that of the European competitors from 20.7% to 15.7%, going back to values close to those registered before the issue of law 84/94. Concerning the overall movements of goods, the Italian ports recorded in the period 2002-08 an annual compound average growth rate well below that of Belgium, Germany and the Netherlands, as well as the Spanish ones and even lower than the EU average, as shown in Table 1.

The relative loss recorded by the Italian harbours is just a symptom of the difficulties of the national ports to face the rapid changes that are continuously taking place in ports worldwide.

	CAGR 1997-08	CAGR 2002-08
European Union (27 countries)	n.a.	2.73%
European Union (25 countries)	n.a.	2.66%

European Union (15 countries)	n.a.	2.71%
Belgium	3.81%	5.80%
Denmark	-1.41%	1.99%
Germany	3.77%	4.49%
Ireland	3.15%	2.17%
Greece	n.a.	0.54%
Spain	n.a.	4.15%
France	1.31%	1.65%
Italy	1.76%	2.34%
Malta	n.a.	1.64%
Netherlands	2.55%	4.24%
United Kingdom	0.06%	0.11%

Table 1 – Gross weight of goods handled in all EU ports per country: CAGR 1997-2008 and 2002-08 (Source: Eurostat)

The number of port authorities

Currently in Italy there is a great number of ports considered of national importance. From the 18 Port Authorities individuated by the 84/94 law when it was issued, soon the number grew to 25 (and currently they are 23). This situation, on the one hand, highlights the richness of the national port system, most of them with a rich historical tradition, while on the other, it shows a clear inability in choosing the excellence and pointing to it as a way to re-launch the national port industry. The huge amount of ports of primary national interest altogether with the absence of financial autonomy of the port authorities has determined a great dispersion of public resources derived from the need to provide for the legitimate aspirations of each of these ports to outclass the others during those years. The lack of financial autonomy made the port authorities design port regulating plans that are usually too ambitious and that were not achieved due to a lack of concrete financing.

Moreover, this situation did not provide incentives for coordination among ports belonging to the same geographical range, that would have lead to a development and exploitation of the economies of scale that characterize the activities that take place in a port (Marchese, 2000) altogether with a smaller effect on the overall port activities, on the environment and the landscape has been foreseen. Thinking back on the news of the last years, there are numerous cases of regulating plans that were not fully achieved, not only due to lack of funds, but often due to the contraposition between port operators, local bodies, association of citizens, etc.

The strong competition among ports, determined by a very elastic demand of port services (within the range) due to the growing overlapping of port hinterlands impose to face ports problems abandoning the view point of the single port in favour of the geographical range view point.

Otherwise each port authority will act in order to supply the best possible services to the vessels, specially more quay and yard spaces to reduce the i) risk the vessel might find the quay occupied and ii) the time of service paid to the ship. These are the conditions that, among others, have allowed in the last twenty years the process of growth of the average

size of containers and cruise ships. They need though, more depth, larger quays and piers, better land services, and so one, generating a sort of never-ending race between the ship and the port: the first with the attempt to reduce its own (private) management cost, the second to increase the public investment (financed by the community) attempting not to get the ship (and its load) taken away by competing ports. It is rather evident from this picture that the game is very convenient for the shipping operators and it determinates an over-investment – also due to missing exploitation of the above mentioned economies of scale – in port infrastructures and superstructures. The coordination of investments, instead, could lead to a better management of public funds destined to the port activities. That coordination may be achieved through a number of forms ranging from the simple law provision of simultaneous predisposition of the port regulating plans to the Region (in charge of their approval), proving in such a way a coherent meaning to the regional approval in matters of territorial planning, up to some forms of close coordination that are feasible with the institution of real port systems following the tracks of what has been done in other nations (Caballini et al., 2008).

Port regulating plans

the 84/94 law assigns to the port authorities the functions of coordination, promotion, control, maintenance and planning of the port area. Concerning the planning function its main tool is the port regulating plan (PRP). In general these plans present an extremely long elaboration phase, followed by an approval period that is as long (or even more), that in some cases makes them old and outdated as soon as they come into force. Not to mention the fact that they direct necessarily to the port area, while it is clear that nowadays the fortune of a port depends always more on elements that are external to the port's area, and even elements that have almost nothing to do with the port-maritime region, such as the network of internal terminals and logistics platforms and the long range connections between the port and the hinterland of reference (Ferrari et al., 2009). This vision has gained its way within the European Commission that has announced an analysis on the state of the connections with the hinterlands in occasion of the midterm review of the TEN-T in 2010 (Verhoeven, 2009).

The ports' financial autonomy

The main weakness of the port governance scheme introduced by the 84/94 law, is the lack of financial autonomy of port authorities. Currently the incomes of the port authorities are mainly constituted by the incomes of concession fees and the port tax and surtax on loaded and unloaded goods, plus some other modest incomes, but the greatest amount of the fiscal revenues generated by the port traffic – i.e. VAT, customs duty, excises, berthing tax and surtax, etc. – remains competence of the central government. What it is competence of the single port authorities is a modest share in respect of what converges in the general taxation, making the revenues of the port authorities completely disconnected from the effective traffic. This is certainly an element that does not encourage the efficiency and the productivity of ports. This state of affairs makes the port authorities dependent on the decisions of the

central authorities, that not always respond to efficiency principles, that is the capacity to react quickly to the qualitative and quantitative changes of the demand.

The concession tool

The administrative concession for the management of port terminals represents the main tool for the achievement of port development strategy (Notteboom, 2007). Under the economic profile, a concession assigns the exclusive right to use a certain area for a certain period of time under the payment of a fee. Therefore a it shifts the competition between port operators from the moment of the production of services to the moment of the adjudication of the area (the latter case is usually referred to as a competition for the market instead of competition in the market). In its application to port terminals, auctions allow a double level of competition for the winners: competition *for* the market, i.e. in order to get the management of a terminal, and competition *in* the market, competing with other terminals serving the same hinterland.
Let's consider briefly how the elements that characterize the concession could affect the real level of competition, even in the light of the different market power held by the different actors: the port authority, on the one hand and the terminal operators on the other; with the latter that constitutes an industry that has registered an outstanding share of consolidation in the last decades (Slack-Frémont, 2005), representing in fact an element that introduces a definite information and negotiation asymmetry between the actors involved in the awarding process.
It is well known that the auctions represent the way to extract the rent when natural monopolies occur, therefore - in this case - by means of a procedure of public evidence that allows to broaden as much as possible the number of participants. The auction theory (from Demsetz, 1968, on), in fact highlights how the degree of efficiency of a tender depends on i) the number of participants and ii) the cost of a possible collusive behaviour on their behalf (that grows with the number of participants). This has nothing to do with the right of the port authority to set, with the scope of following a strategy of development for the port and its traffics, the necessary conditions to the participants, that can look after the use modalities of the areas, the traffics to be served, and so on, but imposes that once the rules of the tender have been defined it can fully fulfil its economic effects.
Another important aspect is the duration of the concession agreement. It should not be too short to prevent opportunistic behaviours on behalf of the operators (limiting the private investments, that are more important when the capacity of public investments is minor), nor too long, to limit the period in which the monopoly of the exploitation lasts and to avoid the maturation of high rate of return on the investments made. In this sense it is worth mentioning, in the light of the Italian experience, that the cases in which the concession has been withdrawn for the disrespect of the initial agreements, especially regarding the investments, are pretty rare and it can be stated that port authorities are rarely capable of evaluating the consistency between the business plans, presented in the moment of the participation to the tender, the offered areas and the volumes of traffic the participants have declared they wanted to achieve. In reality, the concession's system lacks a certain degree of transparency in the promotion of the calls, and tools that stimulate the operators to act efficiently. The fees, for example, are normally fixed according to a percentage of the patrimonial value of the areas and never proportionally to the traffics (as desired by the 84/94

law); sometimes the investments made by the concessionaire are considered (with the exception of the fixed works- new or additional- susceptible of further use) and detracted from the effective fee. The long duration of the contracts and the need to maintain, if not increase, a determined level of efficiency would suppose periodical controls on behalf of the port authority and requests of updates of the business plans, that are often not done (Ferrari-Basta 2009).
Moreover it can be singled out that the article 18 point 7 that forbids the concessionaires to have more than one concession within the same port, seems to have determined a boost for the assignment of big terminals with the concrete risk of their underuse at least for a certain period of time. For the terminal operators, in fact, the tendency to ask for the management of spaces that are bigger than the real necessities is dictated by the attempt to obtain spaces for a future development and also because those areas constitute entry barriers for other operators (Ferrari-Benacchio, 2002).

The logistics integration

In the fifteen years after the approval of the 84/94 law different changes have taken place in the maritime transport industry; an important one has dealt with the development of the transport logistics chain and the incentive towards a growing use of intermodality.
This change requires regulation, control and stimulus of all the elements that are part of the complex transport chain in the port by the subject in charge of port governance. The chain implicates a multiplicity of actors: from the terminal operators to the Customs agency, inspection services, road and rail carriers, the administrators of the yards, the operators in charge of loading and unloading of goods, the management of the inland terminals and of the dry ports, etc.
The current scheme of governance for Italian ports seems to be more focused on achieving efficiency of loading and unloading operations instead on the smoothing of cargo flows.

The points indicated above do not represent the only weaknesses of the current structure of port governance that has emerged in these years. To them we must add at least the process of selection and nomination of the president of the Port Authority, the composition of the port committee, the liberalization of the technical-nautical services (pilotage, towage and mooring), the difficulties to operate exceptional but necessary interventions for the development of the ports just like the dredging sea floor; but the previous points are those that present the higher economic implications where the attention has been placed.

THE REFORM BILLS

The criticalities mentioned before have been completely or partially tackled by different legislative initiatives - in particular during the XIV, XV and XVI (current) Italian legislatures - that nevertheless have not been translated until today in a new law.
In the initial phase of the XVI legislature the provision of legislative reform in port matters – since the nr. 143, 263, 745 bills - has depended from the Commission VIII (Public Works and Communications) of the Senate. At the beginning of summer of 2009, the Minister of

infrastructures and transport, Mr. Matteoli has stated to this same Commission the Government's orientation.

At the time of writing these notes (June 2010) a definitive text is not yet available, but just a draft of unified text dated December 2009, prepared by the speaker of the restricted committee of the above-mentioned Commission, Public Works of the Senate of the Italian Republic. That draft highlights an approach that is not destined to radically change the contents of 84/94 law, but to define a new set of rules for the Italian ports inspired by the concept of ports as a knot of a complex logistics chain. The main innovations in comparison to the current text of the 84/94 law are explained and commented below.

First of all, the classification of ports is modified, the current division in classes disappear from the text and the ports currently belonging to classes I and II (of national and international importance, respectively) of the II category will merge into a sole II category that will include "the interchange knots that are essential to the exercise of the State's competences" (while the I category remains for military harbours).

Another important indication is the number of port authorities (stated in 24): in respect to the current PAs, the absence of Trapani is confirmed (the P.A. has been dissolved in 2007) and the re-establishment of the P.A. of Manfredonia (that was also dissolved in 2007). The minimum levels of handling for the determination of new port authorities are revised and increased, and a new requisite is introduced in alternative to the handling requisites: the connection to the trans-European corridors of transport.

To achieve that threshold of traffic in order to establish a new PA the aggregation to neighbouring ports is possible; this seems to be the first attempt to introduce the concept of port system.

The main innovative effect of such bill deals with the time of approval of the port regulating plans, the concessions' awarding process and the expected intervention of private capitals in the implementation of the investments.

Concerning the port regulating plans, the bill attempts to overcome the current state of uncertainty regarding the times of adoption and accomplishment of the plans by establishing precise terms and using tools like the consent by silent rule and the "local authorities planning conference". The certainty on the times of approval and adoption of the plans altogether with the possibility to stipulate loans (for a maximum of fifty years) with the Cassa Depositi e Prestiti (House of Deposits and Loans) and to make use of the project financing should contribute to solve the difficulties in the realization of investments, even if foreseen in the PRP and in the POT, registered in the last years. Moreover the bill put the P.A.s in charge not only of the port works, but also of the road and railway infrastructures that serve the ports themselves. This indication is coherent with the concept of ports as knots of modal interchange and is yet again cited in another article that foresees the possibility to plan infrastructure works serving the harbours even beyond the territory of competence by the port authority. This indication deals with the connections of the port with the main rail and road infrastructure networks and therefore the need of having a territorial planning in the municipalities that host the port, and also with the long distance connections where the port authorities, with the agreement of the Regions, can institute port-logistics platforms for the coordination of the port's and dry-port's activities that serve the same basin of traffic or insist on the same trans-European corridor. These port-logistics systems intervene on the use of the railway network, even within the port area (foreseeing the fulfilment of European tenders

for the rail shunting operations), on the promotion of the connecting infrastructures guaranteeing the coordination between port regulating plans and town-planning schemes. Finally, it is foreseen that the Customs services in the inland terminals will be carried out by the same regional administrations that usually do it in the ports that are part of the port-logistics system. For the promotion and development of the intermodal and logistics activities an opportunity is offered to the port authorities to participate in the enterprises as long as they fulfil ancillary or instrumental activities in relation to their institutional tasks. These indications, if confirmed in the definitive text, would allow the development of the dry ports (Woxenius et al., 2004), that would contribute to solve the problem - already expressed by several ports in the country - of the lack of spaces for the storage of goods. The last novelty on this topic, foresees that the PRP would be submitted to a strategic environmental assessment, covering a gap of the current law.

Regarding the concessions, the need to carry on procedures of public evidence, in the respect of the EU principles of transparency, impartiality, proportionality, efficiency and equal treatment assuring suitable forms of publicity, is affirmed. The concession act should also contain the definition and approval modalities of the possible investment programs in charge of the concessionaire, the sanctions and other specific causes of decline or revocation of the concession. In reference to the concession fee it is defined that the concession acts should contain a calculus of the fee, that cannot be lower than the one that derives from the application of the national normative in concession matters for the goods of the maritime public domain, and also its reassessment and criteria to be adopted by the Port Committee for its reduction in case the concessionaire commits to carry out investments in port works. In addition to the current management of concessions a monitoring on behalf of the Ministry of Infrastructures and Transports is foreseen on the basis of annual reports of the optimum valorisation of the port areas. Moreover the bill foresees the parameterization of the concession fee with the predictable profitability, therefore a regulation based on the rate of return; this novelty, even if admirable in its intention of reducing, if not annulling if well-applied, the monopolistic power of the concessionaire, and therefore enlarging the consumer surplus, risks in fact to be made useless for two reasons: i) the minor efficiency of this regulating system in comparison to others (like the price cap) and the possibility that the concessionaires capture the regulator (cfr. for example Ferrari-Basta, 2009 and in a similar sense Theys *et al.*, 2010) and ii) the lack of the prevision of a separated accountability of the activity in concession in relation to all the other activities carried on by the concessionaire firm (like in the case of those firm that at the same time are ship-owners and terminal operators or firms that manage a lot of port terminals).

Regarding the financial autonomy of the port authorities, the bill refers to an accountability regulation to be issued by the Ministry of Infrastructures and Transport, in accordance with the Ministry of Economy and Finance. In a recent intervention in the yearly assembly of Assoporti (October 1st 2009), the Minister, Mr. Matteoli, has expressed the will to indicate a fixed VAT reference matured in the field of port operations, overcoming the concept of extra-revenue introduced by the financial law of 2008 (i.e. Law 24 December 2007, nr. 244, art. 1, paragraphs 247-250).

Lastly, it is significant to point out that the draft of the unified text dedicates an entire article to the procedures and authorizations needed to carry on dredging operations, an aspect that,

limiting the size of the ships that can call at the port, has a great influence on the opportunity of growth for the ports as the recent history of the port of La Spezia testifies.

GREAT EXPECTATIONS?

The port governance scheme adopted by a country is one of the crucial factors for the competitiveness of the national harbours and for the competitive positioning of the country in the international panorama. A confirmation of this derives from the reborn of the Italian port activities that took place shortly after the issue of the 84/94 law; at the same time it can be stated that some of the unsolved problems of the same law - mainly the concessions mechanisms, the confusing planning, the low degree of financial autonomy - have contributed to stop the growth, as it has been registered in the last years.
From this consideration, the previous pages have sketched the addresses of the bill currently under discussion in the Senate of the Italian Republic, pointing out those that seem to be the main innovations in relation to the criticalities emerged in the application of the text of the 84/94 law.
To sum it up, from the text under discussion clearly emerges a more modern view of the port as a ring of the complex logistics chain that today represents the crucial junction of the internationalization of economy, and forces the ports not only to look “towards the sea” to optimize the services that are offered to the ships and their cargo – i.e the port concept behind the 84/94 law, even if it has revolutioned the quay’s work in the Italian ports - but to specially look towards the hinterland, combining to a more efficient management of the port terminals (achieved thanks to the current port governance scheme) the aspects of the territorial planning of the internal networks and of the port knot. This implies a planning action and the stimulus towards the respect of a more efficient use of land infrastructures and the realization of efficient intermodal cycles, together with the need to interact with the inland port knots, that are more important when the spaces are less available for the enlargement of ports.
It is undoubtedly a vision of a port authority that is up to the evolution that has taken place in the transport industry and in the port regulating schemes of our competing countries. This vision of the P.A is potentially capable of allowing the national port activities recover the market shares that have gone lost during the last years.
The effort to assure slender procedures and quicker times for the approval and adoption of plans, for the reconversion of the dismissed port areas, for the execution of dredging works, for the nomination of the presidents of the port authorities and for the quest for the necessary agreements with the other public bodies in charge of the territorial planning, appears to be praiseworthy.
Remarkable steps forward have been made in terms of concessions, where instruments, limits, competences and powers have been outlined; it is a positive fact the will of finally proceeding towards a more attentive, rigorous and transparent control of the criteria for its release, the fulfilment of the obligations assumed by the concessionaire and the actual achieve of the announced. results The same can be said about the definition of the concession fees, even if foreseeing their evolution on the basis of the rate of return leave more than a doubt about their effective application. Maybe it would be more appropriate to foresee a yardstick competition model between operators, even belonging to different ports,

that carry on the same service with the same production function. Or link the fee to the business plan (and its consequent updating) submitted by any firm when replying to the tender.

It remains unsolved, at least until now (the bill is still in progress), the delicate topic of the port governance, that is a concurrent "competence" in charge of both the state and the regions as established by the reform of the Title V of the National Constitution, and is therefore very difficult to pursue the goal between different levels of government avoiding at the same time the risks of a paralysis of the decisional process, that has been witness quite often in the recent years. Even if a significant step in the governance is assured by a new division of the competences that favours and makes the President responsible in front of the port committee, that still keeps direction tasks, the issue of the composition of the port committee, that seems to remain unvaried in comparison to the old scheme remains unsolved. The legislator has in fact chosen to limit its powers instead of changing its composition. What still remains though, is the risk of interest conflicts within the committee that remains in charge of some important functions dealing with the port planning and also in the choice of who executes, in competitive conditions, the passengers' and goods' services. On this point an effort can still be made to avoid (or limit the risk) of getting into impasse situations like those that affect the Genoese port, having strong repercussions on the port's traffic and image.

The point of the financial autonomy of ports, remains, in fact, only partially solved and it is maybe the most serious and important problem among those that have determined the progressive inadequacy of the 1994 law.

While it is unanimously recognized that the ports as a whole are still generators of a great amount of fiscal wealth for the Country, the centralization of great part of their revenues and their direct redistribution on behalf of the central government does not link the redistribution of the resources to the competitiveness or the performance of the single ports, eliminating a fundamental incentive (just like a holding stating that the profits of their controlled firms would be centralized and distributed randomly), and of the objective investment needs in each port. Being the public resources destined to ports at the same level, in fact, the financial autonomy would establish a precise balance constraint for each port that would force them move in a cost-benefit logic and select the priority investments, while the centralization and later "political" redistributions frees the ports from this logic, (because the costs are sustained by a central payer) and drives them to aspire to higher loans, only to subtract resources that would otherwise be destined to the rival ports.

It is certainly positive that the bill introduces at least the principle of financial autonomy and some of its partial applications. Nevertheless the risk is that the centralized financial component will compensate the effects of the autonomous one, neutralizing in fact its positivity.

This problem makes another unsolved question more serious, that in a system with an accomplished financial autonomy would have had only nominal consequences: the fact that an excessive number of ports in which, through the institution of the port authorities, is given a status of primary importance in the Italian logistics system. The result is that currently to the ports of primary importance there are extremely different realities in terms of handling volume, their impact on the territory and industries and more generally on the national economy. In a transport and port terminal industry that is always more characterized by a few

big players at world level, it is objectively anachronistic to think that the flows to/from Italy can be spread among a high number of ports instead of concentrating in a few strategic ones. As it is anachronistic to use the port authorities to affirm substantial and objective local logics, just like those that have determined their high number since the 1994 law.
Nevertheless, the many significant interventions on the 1994 law appear in its complex strongly positive. Even if under some profiles the ongoing reform can represent a lost occasion, it certainly represents a step forward towards a more modern concept of the port activities in the Italian economy.

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