



Economic analysis of the Spanish port sector reform during the 1990s [☆]

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ABSTRACT

In the matter of port legislation, the nineties was a period of maximum interest in Spain. Two laws enacted in 1992 and 1997, respectively, aimed at increasing the autonomy of individual ports in the management and organization of its activities. Before 1992 two different models of management coexisted in the Spanish port system: autonomous decision-making ports and ports controlled in its decision-making by the Central Government. The question we address in this paper is how these legislative changes have affected the evolution of the levels of traffic of the Spanish port system from 1992, date of introduction of the first law, to 2003, date of approval of a third legislative change that remains out of this analysis for lack of sufficient data. We find an important impact of legislative changes on port traffic by way of an estimated econometric model over the 1966–2003 period. We control for the effect of other variables that might have influenced Spanish maritime traffic such as international maritime flows, taken as a proxy of globalization, or gross domestic product, under the hypothesis that maritime transport is a demand derived of economic activity. We provide evidence supporting that greater port autonomy had beneficial effects for the Spanish port system as a whole.

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1. Introduction

There is abundant literature on the important role played by transportation methods in the economic globalization process (Hesse and Rodrigue, 2004; Janelle and Beuthe, 1997; Veen-Groot and Nijkamp, 1999) and, in particular, on the expansion of maritime transportation (Alderton and Winchester, 2002) and the new roles of seaports (Rodrigue, 1999; Bichou and Gray, 2005). Thus, for Bichou and Gray (2005) seaports should be evaluated on the basis of their contribution to the competitiveness of the complete distribution/provisioning channel to which they are connected. This new context has forced many countries to adapt their port-related legal framework in order to give ports more flexibility in all aspects related to their daily management and their commercial strategies with a view to capture new routes and customers in an attempt to expand their hinterland and foreland.

According to Debie et al. (2007), the conventional taxonomy of port institutional models, as regards the degree of public sector ownership, administration and labor affiliation would be the following: “service”, “tool”, “land lord” and “private”. Nevertheless it is not rare to find hybrid institutional models that combine features of several types (Bichou and Gray, 2005). Public sector ports can be further classified depending on the degree of centralization of the adminis-

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tration which oversees the port (local, regional or central) and to the degree of the port's decision-making autonomy. Mediterranean port systems within Europe have traditionally been quite centralized. Most have been run by public management with little autonomy of port authorities. Unsurprisingly, they have engaged into considerable legal reforms during the 1990s. The following analyses are worth mentioning: Gardner et al. (2006), Perez-Labajos and Blanco (2004) on the evolution of European maritime and port policy; Ridolfi (1995) on the Italian case; Pallis and Syriopoulos (2007) on the Greek case; Yercan (1998) on Turkey; Debrie et al. (2007) on the French case; Carvalho and Marques (2007) on the Portuguese case or Coto Millan (1997) and Suárez de Vivero and Rodríguez Mateos (2002) for a descriptive analysis of the 1992 Spanish reform.

The 90s were a very interesting period in Spain regarding port legislation. Both Law 27/1992 of National Ports and Commercial Maritime Lines and its 1997 update (Law 62/1997) produced changes in the management and organization of the old "Juntas del Puerto" (Port Assemblies) and in the various regional government administrations. Before 1992, the Spanish port system was asymmetric with two coexisting management models: on the one hand, the four "Autonomous Ports" (Barcelona, Bilbao, Huelva and Valencia), and on the other hand the remaining ports, managed by "Juntas del Puerto" and with a centralized decision-making regime. Law 27/92 sought to adapt the ports to a highly competitive environment. To do that, it favored the self financing of Port Authorities, increasing their autonomy. Thus ports had more flexibility to conduct their relations to the port community of their hinterland. There was a transition from a public system based on strictly administrative criteria to a commercial understanding of port services.

Law 27/1992 created the so-called "Ente Público Puertos del Estado" (State-owned Enterprise of National Ports) with the mandate of coordinating the operation of national ports. In case one particular port within the national port system would experience difficulties with the transition period to the new port system, the "Ente Público Puertos del Estado" would transfer funds (from the "Fondo de Financiación") from national ports experiencing operating surpluses to those experiencing hardships. In practical terms the transition to the new port system was relatively smooth, and the special funds were only needed in a very few cases, for example the ports in the north of Africa (Ceuta and Melilla).

All in all, Law 27/1992 moved the Spanish port institutional model from a "service"-type to the current "land lord" system. Services provided directly by the public sector (pilotage, towage, stowage, storage...) before the enactment of the law started to be managed by the private sector, while before Law 27/92 the private sector operators were mere intermediaries between Port Authorities ("Autoridades Portuarias") and firms demanding port services. Along these lines, the Law sought the replacement of workers with civil servant status by private sector workers.

The 1992 model was modified by the 1997 law that increased the participation of Regional Governments in port operation and management. With this modification Regional Governments could name members of a Port Authority governing board including its President. The transfer of authority from the Central Government to the Regional Governments was complete.¹ In addition, after this legal reform of 1997 the state-owned company "Ente Público Puertos del Estado" gained autonomy from the Ministerio de Fomento (Spain's Public Works Ministry). As a consequence of these and other events, one can say that a new port management model was born in Spain after these reforms.

The question we want to address is how these legal changes have impacted on the evolution of maritime traffic levels in the Spanish port system from 1992, enactment of the first law, to 2003, approval of a third legal reform² which we leave out of the analysis due to lack of enough data. Our sample covers the period 1966–2003 (annual data). The paper goes beyond a simple descriptive viewpoint of the legal changes in the Spanish port system by trying to evaluate the quantitative contribution of these reforms to maritime traffic growth. We estimate an econometric model to account for the quantitative impact of the reforms.³ Compared to alternative approaches, like the ones related to the Data Envelopment Analysis (DEA), our approach presents three main advantages. Firstly, it allows us to carry out a dynamic analysis that exploits the time series structure of the series of port traffics (versus alternatives following a comparative static approach). Secondly, we take an agnostic approach insofar as we do not need to establish assumptions on the nature of the production function of the ports. Finally, to avoid spurious effects we can easily control for variables that might have influenced Spanish maritime traffic in the analyzed time period, such as the continuing growth of international maritime traffic (globalization), or gross domestic product, under the hypothesis that maritime transport is a demand derived of economic activity.

We follow a stepwise approach. First we apply our methodology to the series of total traffic of the Spanish port sector. Next we distinguish between two groups of ports, grouped according to the degree of autonomy they had at the time

¹ The French case is another example of devolution from the Central Government to the Regional Governments. Nevertheless, in the French case the transfer of authority has been only partial. Only the *Ports d'intérêt national* have been transferred, while the central Government has retained the control of the seven larger ports, the so-called *Ports autonomes* (Debrie et al., 2007).

² Law 48/2003 was a further step in the direction of a port model based on the principles of market competition as started by Law 27/1992, by favouring intra-port competition in the form of enhanced participation of private operators in port facilities (abolishing monopoly situations like that linked to stowage). Nevertheless inter-port competition was limited in the law as port tariffs are set by law in a homogeneous fashion for all ports. Law 48/2003 moved beyond a "land lord" model as it allowed the participation of the private sector in port infrastructure projects (as for example in the case of the port of Alicante). In addition, Law 48/2003 also allowed public subsidies to the port sector (before the port had to guarantee self-financing means), thus allowing important investment projects financed by regional Governments or the European Union (as in the cases of the new port of La Coruña or the expansion of the port of Seville).

³ On the related subject of the analysis of the efficiency of port systems using the data envelopment analysis (DEA) methodology and related methodologies, see Estache et al. (2004), Cullinane et al. (2005), González and Trujillo (2005) or González et al. (in press).

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