



# Covid-19 Insights

27.7.2020

## SELF-HANDLING AND THE NEW AMENDMENTS TO DECRETO RILANCIO: AN OBSTACLE TO FREE COMPETITION?

After a long fight between dock worker and shipowners, the amendment to Decreto Rilancio regarding port services for the loading and unloading of cargo has been recently approved by the Parliament. The new article 199-bis restricts self-handling during the stay of the ship in dock by requiring specific conditions in order to allow self-handling. Pursuant to the said article 199-bis, where it is not possible to meet the demand for port operations with authorized companies pursuant to article 16 and 17 of L. 84/1994, the ship can carry out operations under self-handling if the following conditions are satisfied: (a) the ship shall be equipped with adequate mechanical means; (b) it shall be adequately staffed, with additional workforce exclusively dedicated to such operations and finally (c) the remuneration must be paid with suitable deposit.

According to shipowners' associations, the new amendments infringes the right to self-

handling guaranteed to all private business operators pursuant to article 9 of Antitrust Law (L. 287/1990). The new requirements for allowing self-handling in ports are considered too narrow, as self-handling is permitted only if there are not authorized companies available to do it. In other words, self-handling can be considered only as a last resort.

The restriction of the right to self-handling could be challenged by recourse to the European Court of Justice and to the Antitrust Authority. The shipowners' associations in fact maintain that such restriction could cause a reduction in the competitiveness of shipping with a negative impact on employment and a significant increase of shipowners' costs.

On the other hand, dock worker and trade unions argue that a wide access to self-handling would reduce employment in the shore labour sector and also create safety risks.



**Genova**

Via XX Settembre, 14/17  
16121 Genova  
Tel. +39 010 586841

**Milano**

Via Agnello, 6/1  
20121 Milano  
Tel. +39 02 36576390

**Venezia**

San Polo 720  
30125 Venezia  
Tel. +39 041 2412865

[mail@mordiglia.it](mailto:mail@mordiglia.it)  
[www.mordiglia.it](http://www.mordiglia.it)