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CONCEPTS AND APPROACHES TO REGULATING THE ACTIVITIES OF SEA PORTS

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КОНЦЕПЦІЇ ТА ПІДХОДИ ДО РЕГУЛЮВАННЯ ДІЯЛЬНОСТІ МОРСЬКИХ ПОРТІВ

Classically, seaports play a key role in the global and national economies, providing efficient logistics, international trade, and the development of coastal territories. Given the outlined significance, their operations are regulated by a complex system of legal, economic, and technical standards meant to ensure the safety, competitiveness, and environmental sustainability of the entire port sector. At the same time, different countries apply various concepts and approaches to regulating seaports, taking into account the specifics of national economies, geopolitical positioning, and strategic priorities. The article aims to analyze the main concepts and approaches to regulating the activities of seaports, identify their advantages and disadvantages, and assess the effectiveness of implementing specific models in modern economies. Within the scope of the study, attention is drawn to the fact that several key concepts and approaches to regulating port activities are distinguished

in global practice. These include strict regulation (which encompasses full state funding, centralized management, and state tariffs), liberalized regulation (includes concession systems, public-private partnerships, and supervisory regulatory bodies), the privatized model (which involves auction sales of assets, long-term leases, and open service markets), and decentralized and regional regulation (which includes municipal management, regional port development commissions, and so on). These concepts and their respective approaches have their characteristics, reflecting the economic and political priorities of the state. It has been proven that port activity regulation must ensure an optimal balance between state interests, business needs, and international standards. It's a crucial condition for enhancing the competitiveness of ports in the global economy.

The prospects for further research lie in a deeper analysis of the effectiveness of different concepts and approaches to regulating port activities, particularly in developing hybrid models that combine state management with market mechanisms and their impact on the competitiveness of ports in globalization.

Класично морські порти відіграють ключову роль у глобальній та національній економіці, забезпечуючи ефективну логістику, міжнародну торгівлю та розвиток господарювання прибережних територій. Враховуючи їхню значущість, діяльність портів регулюється складною системою правових, економічних і технічних норм, що мають забезпечувати безпеку, конкурентоспроможність та екологічну стійкість усього портового сектора. При цьому різні країни використовують різні концепції та підходи до регулювання морських портів, враховуючи специфіку національних економік, геополітичне положення та стратегічні пріоритети. Відтак, мета цієї статті — проаналізувати основні концепції та підходи до регулювання діяльності морських портів, визначити їхні переваги й недоліки, а також оцінити ефективність упровадження окремих моделей у сучасні економіки. У межах дослідження звернено увагу на те, що в світовій практиці виокремлюють кілька основних концепцій та підходів до регулювання портової діяльності, серед яких: жорстке регулювання (що включає повне державне фінансування, централізоване управління, державні тарифи); лібералізоване регулювання (що передбачає систему концесій, державно-приватне партнерство, наглядові регуляторні органи); приватизовану модель (що охоплює аукціонний продаж активів, довгострокову оренду, відкритий ринок послуг); децентралізоване та регіональне регулювання (що базується на муніципальному управлінні, діяльності регіональних комісій з портового розвитку тощо). Кожна з цих концепцій та відповідних підходів має свої особливості, які відбивають економічні та політичні пріоритети держави. При цьому доведено, що регулювання портової діяльності має забезпечувати оптимальний баланс між державними інтересами, потребами бізнесу та міжнародними стандартами, що є важливою умовою підвищення конкурентоспроможності портів у глобальній економіці. Перспективи подальших досліджень полягають у глибшому аналізі ефективності різних концепцій і підходів до регулювання портової діяльності, зокрема в контексті розвитку гібридних моделей, що поєднують державне управління з ринковими механізмами, а також їхнього впливу на конкурентоспроможність портів в умовах глобалізації.

Key words: private regulation concept; concepts of decentralized and regional regulation; strict regulation concept; activities of seaports.

Ключові слова: приватна концепція регулювання; концепції децентралізованого та регіонального регулювання; концепція жорсткого регулювання; діяльності морських портів.

PROBLEM STATEMENT

Classically, seaports play a key role in global and national economies, ensuring efficient logistics, international trade, and the development of coastal territories. Given the outlined importance, operations are governed by a complex framework of legal, economic, and technical standards aimed at ensuring safety, competitiveness, and environmental sustainability throughout the port sector. At the same time, different countries apply various concepts and approaches to regulating seaports, which are linked not only to the specifics of national economies and the geopolitical positioning of the objects but also to different strategic priorities. It is worth noting that some systems of implemented ideas and views foresee an active role for the state in the management and development of port infrastructure. In contrast, others are based on the principles of liberalization and privatization.

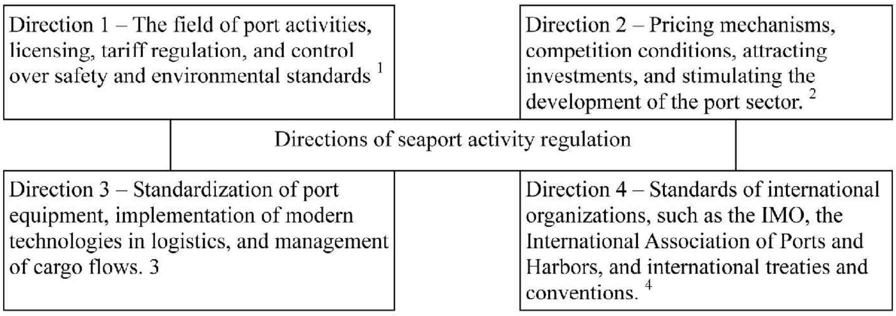

Fig. 1. The content of seaport activity regulation

Note

1. This direction involves creating a legislative and regulatory framework for managing port activities. It includes regulating the licensing of port operations, establishing principles of tariff regulation, and ensuring compliance with international maritime safety and environmental standards to protect the environment.
2. This direction involves establishing transparent pricing mechanisms that ensure the competitiveness of ports in the international market. It includes determining the conditions for competition and creating favorable conditions for attracting private and foreign investments to modernize port infrastructure and services. Additionally, it involves stimulating the development of the port sector through government support programs and investment initiatives, which will contribute to economic growth and the development of maritime logistics.
3. This direction involves the implementation of innovative technologies in logistics processes that help reduce costs, improve the efficiency of cargo flow management, and decrease cargo handling times.
4. This direction involves ensuring the safety of navigation, environmental protection, and the development of port infrastructure.

Source: compiled based on [1; 4; 6].

ANALYSIS OF RESEARCH AND PUBLICATIONS

A significant contribution to the study of the general specifics of seaport regulation has been made by Ukrainian scholars, including Kovaly V.V., Kotlubay V.O., Horbachenko S.A., Kibik O.M., Podtserkovny O.P., Drapaylo Yu.Z., Kotlubay V.O., and others. Specifically, Kovaly V.V. thoroughly discusses the formation of policies related to port activities, licensing, and tariff regulation. The study of pricing mechanisms and competition conditions is the subject of research by Stepanova K.V. and Stepanov V.M.

However, despite the significant number of individual studies, a comprehensive analysis of the main concepts and approaches to regulating seaport activities remains insufficiently developed in the scientific literature. It creates the need for further research that will contribute to a deeper understanding and generalization of modern approaches to regulating port activities both in Ukraine and beyond its borders.

FORMULATION OF THE ARTICLE'S OBJECTIVES

The aim of this article is to analyze the main concepts and approaches to regulating seaport activities, identify their advantages and disadvantages, and assess the effectiveness of implementing specific models in modern economies.

THE PAPER MAIN BODY

In this study, the authors define the regulation of seaport activities as a comprehensive system of legal, economic, technical, and administrative measures. This system aims to ensure the efficient operation of port infrastructure, adhere to international and national safety standards, protect the environment, and enhance the development of maritime logistics. This process includes [2—3]:

1. Defining policy in port activities, licensing, tariff regulation, and control over safety and environmental standards.
2. Creating pricing mechanisms and competitive conditions to attract investments and promote growth in the port sector.
3. Standardizing port equipment, implementing modern technologies in logistics, and managing cargo flows.
4. Adherence to the standards set by international organizations, such as the International Maritime Organization and the International Association of Ports and Harbors, along with relevant international treaties and conventions, is essential.

The content of seaport activity regulation (which is further detailed in Figure 1) should ensure a balance between state interests, business needs, and international standards to enhance the competitiveness of ports in the global economy.

While the terms "concept" and "approach" are related, they refer to different aspects of analyzing port activity regulation. A concept represents a general idea, model, or strategic vision for regulating port activities, while an approach refers to the specific methods, tools, and mechanisms employed to implement that concept. In other words, an approach refers to how a concept is implemented in practice. According to the outlined logic, several main concepts and approaches to regulating port activities are distinguished in global practice. These include strict regulation (which involves full state funding, centralized management, and state tariffs), liberalized regulation (involves concession systems, public-private partnerships, and supervisory regulatory bodies), the privatized model (involves auction sales of assets, long-term leases, and open service markets), and decentralized and regional regulation (which includes municipal management, regional port development commissions, and so on) [2; 4; 6].

Table 1. Advantages and disadvantages of concepts and approaches to regulating seaport activities

Concept	Approaches to state regulation	Advantages	Disadvantages
Strict regulation of seaport activities (full state control)	Full state funding, centralized management, state tariffs	-Guarantee of national security and strategic control. - Stability of port operations. - Centralized planning of development.	- Bureaucratization of processes and low management efficiency. - Lack of competition and motivation for innovation. - High burden on the state budget.
Liberalized regulation of seaport activities	Concession system, public-private partnership, supervisory regulatory bodies	- Combination of state control and private efficiency. - Encouragement of investment in port development. - Flexibility in management and the potential to enhance competitiveness.	- Risk of domination by large private companies. - Potential conflicts between the public and private sectors. - Need for an effective regulatory mechanism.
Private model of seaport activity regulation	Auction sale of assets, long-term leases, open service market	- Maximum management efficiency. - Minimization of the burden on the state budget. - High competitiveness and rapid implementation of innovations.	- Loss of state control over strategic infrastructure. - Potential monopolization and price inflation. - Limited state influence on investment processes.
Decentralized and regional regulation of seaport activities	Municipal management, regional port development commissions, etc.	- Flexibility in decision-making. - Better consideration of regional characteristics. - Possibility for the development of local economic initiatives.	- Risk of inefficient management due to poor coordination between regions. - Limited financial capabilities of local authorities. - Lack of a unified national strategy for the development of the port industry.

Source: compiled based on [1; 4—5].

Each of these concepts and their respective approaches have characteristics that reflect the economic and political priorities of the state, within which the specific advantages and disadvantages are taken into account, as outlined in Table 1.

Table 1 clearly structures the existing concepts and approaches to regulating seaports, as well as allows for a comparison of their advantages and disadvantages. Based on the summarized data, let's take a closer look at each of the outlined concepts and approaches.

Strict regulation means that the state (through its authorities) owns, manages, and controls all aspects of port activity, including infrastructure, ancillary services, and operational activities. The main features of such regulation are as follows [1—2; 6]:

— Complete state control over ports, where all significant decisions about the operation of port infrastructure, service delivery, and tariff policies are made by government authorities.

— Minimization of private sector influence, as the state limits or completely excludes private capital from port management, which reduces competition but guarantees stability and predictability of operations.

— Ensuring strategic security and national interests, as ports play a crucial role in the military, economic, and energy security of the country. Therefore, control over them is considered necessary to protect national interests.

— Ensuring strategic security and national interests, as ports play a critical role in the military, economic, and energy security of the country. Therefore, maintaining control over them is considered essential for safeguarding national interests.

This concept and its associated approaches are most commonly used in countries with a strongly centralized economy, as well as in states where seaports play a critical role in economic and military strategy. Examples include some Asian countries (e.g., China, where a significant portion of ports remains under the control of state-owned corporations) and Latin America (specifically, some countries like Venezuela or Cuba, where state management of ports is used to maintain national control over strategic infrastructure).

Such concepts and their associated approaches are also adopted by countries with a high level of government intervention in the economy, where privatization of ports is considered a national security risk. Liberalized regulation is one of the most widespread concepts globally, as it combines state management of port infrastructure with the involvement of private capital in operational activities. The main features of such regulation are as follows [1; 4-5]:

— The state owns port infrastructure (docks, water areas, approach channels) but leases or grants concessions to private operators. It allows the state to maintain strategic control over key infrastructure while attracting private investment for its development and modernization.

— Port authorities perform regulatory and supervisory functions, including defining the rules for port operations, setting tariffs, and ensuring compliance with safety and environmental standards. They also oversee the adherence to concession agreements and ensure fair competition among private operators.

— Private companies invest in the development of terminals, equipment, and services, including the construction of new infrastructure, modernization of existing terminals, the implementation of cutting-edge technologies for cargo handling, and the improvement of customer service quality. This helps enhance the competitiveness of ports in the international market.

— Improving management efficiency and integrating modern technologies, including process automation, the use of digital platforms for monitoring and managing cargo flows, as well as the implementation of innovations to optimize port operations. This, in turn, helps reduce costs and decrease cargo handling time.

This concept and its associated approaches are used in most developed countries, where the efficiency of port infrastructure is a crucial part of the economy and national strategy. Specifically, in the European Union, many ports are partially or fully controlled by various private operators, which promotes a high level of competition and attracts investments for infrastructure modernization. In the United States, private companies are actively involved in port management through public-private partnerships, enabling the effective integration of private capital and technology into port infrastructure. In the Netherlands, particularly at the Port of Rotterdam, a model is successfully implemented where state control with private investments is combined. This approach helps maintain a high level of efficiency, innovation, and global competitiveness.

It's noteworthy that in Ukraine, the regulation of maritime port activities is based on a liberalized model. According to the Law of Ukraine "On Ukraine Sea Ports" dated January 1, 2022, state regulation of port activities is carried out by the Cabinet of Ministers of Ukraine, central executive authorities, and other authorized bodies (to ensure maritime safety, order in the ports, efficient management of port infrastructure objects, and creating equal conditions for business activities). Since 2013, the "Strategy for the Development of Seaports of Ukraine until 2038" has been adopted, which foresees attracting private investments into port infrastructure development and the implementation of modern management technologies.

Private regulation concepts involve the complete privatization of port infrastructure, management, and operational activities. The key features of such regulation are as follows [1—3]:

— The port is entirely owned by private companies, as the infrastructure, operational activities, and all assets are transferred to private investors or companies.

— The market determines the level of tariffs and competitive conditions.

— The government is limited to general regulation and overseeing compliance with the law.

Such a concept and its associated approaches are rarely applied, primarily in countries with sufficient economic freedom. Among the countries adopting this regulation are mainly the United Kingdom and New Zealand. In the United Kingdom, the Port of Liverpool and the Port of Southampton operate entirely on a private basis (private companies own and manage the ports, determining tariff policies and service provision conditions). In New Zealand, all ports are privatized (but operate with minimal government control, which allows them to effectively respond to market changes and maintain high competitiveness).

Decentralized and regional regulation is carried out at the level of regional or local authorities, which allows adapting the process of ensuring the functioning of port infrastructure, compliance with safety standards, environmental protection, and the development of maritime logistics to the specific characteristics of a given region. The main features of such regulation are as follows [2; 4]:

— Delegation of powers to local authorities — local self-government bodies or regional administrations have greater control over the management of port infrastructure, including the development and implementation of local regulations and standards..

— Adaptation to regional specifics — administrators can take into account the particularities of a specific port or region, such as cargo handling characteristics, types of goods, environmental requirements, social needs, or the level of infrastructure development.

— Compliance with local safety and environmental standards — regional authorities can develop and implement more flexible and specific standards, tailored to the needs of a particular port or region.

Improvement of interaction with local businesses and communities — decentralized regulation allows local authorities to interact more effectively with local businesses and port operators, which helps optimize port operations.

This approach is common in countries with a federal system. For instance, in Germany, some ports (such as the Port of Hamburg) enjoy significant autonomy, where local authorities and private companies participate in decision-making and infrastructure project development. In Italy, local authorities generally have considerable control over port operations, allowing each region to manage its ports according to the specifics of the local economy and needs.

The choice of concept and approach to regulating port activities depends on the economic, political, and strategic priorities of the country. At the same time, the optimal concept and its corresponding approaches are those that strike a balance between management efficiency, attracting private capital, and ensuring state control.

That's why, in modern conditions, hybrid models are increasingly being formed, combining state regulation with market mechanisms to enhance the competitiveness of ports.

CONCLUSIONS

The study emphasizes that the regulation of port activities must ensure an optimal balance between state interests, business needs, and international standards. It is a crucial condition for enhancing the competitiveness of ports in the global economy. The following conclusions were drawn:

1. In analyzing port regulation important to distinguish between the concepts of "concept" and "approach." The concept defines the overall idea and strategic vision, while the approach refers to the specific methods and mechanisms through which the concept is implemented.

2. In global practice, several main concepts and approaches to regulating port activities are distinguished, including strict regulation (within which full government funding, centralized management, and government tariffs are highlighted), liberalized regulation (which includes a system of concessions, public-private partnerships, and supervisory regulatory bodies), privatized models (which involve auction sales of assets, long-term leases, and an open market for services), and decentralized and regional regulation (which includes municipal management, regional port development commissions, etc.). Each of these concepts and their associated approaches has features that reflect the economic and political priorities of the state.

3. The choice of the optimal concept and approach depends on the specific economic, political, and strategic priorities of the state. In this context, it is essential to strive for the creation of a model that ensures a balance between management efficiency, private capital involvement, and the preservation of necessary government control.

The prospects for further research lie in a deeper analysis of the effectiveness of different concepts and approaches to port activity regulation, particularly in the context of the development of hybrid models that combine government management with market mechanisms, and their impact on the competitiveness of ports in the context of globalization.

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