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SECOND LATIN AMERICAN MEETING OF BODIES RESPONSIBLE FOR THE SUPERVISION, CONTROL AND REGULATION OF LAND TRANSPORT

This edition of the Bulletin presents a summary of topics examined and discussed during the Second Latin American Meeting of Bodies Responsible for the Supervision, Control and Regulation of Land Transport, held at ECLAC Headquarters, Santiago, Chile, from 10 to 12 August 1999.

The rapporteur of the meeting was Mr. Humberto Valdés Ríos, Sub-Director, *Asociación de Investigación y Producción del Transporte*, Cuba. Full Spanish language versions of the papers presented at the meeting are available at: <http://www.eclac.cl/espanol/investigacion/unitrans.htm>

Inaugural act. Initial words of welcome were offered by Mr. Axel Dourojeanni, Director of the Natural Resources and Infrastructure Division, ECLAC. This was followed by an inaugural address by Mr. José Antonio Ocampo, Executive Secretary of ECLAC, who observed that in recent years Latin America and Caribbean countries have been moving steadily from a regime of almost total state control of transport activities to what is as yet an incomplete system of regulation. He argued that it was essential for the regulatory framework to guarantee competition in the transport market and in the provision of services; it should also address problems arising from the lack of information available to the consumer, and the need to reduce environmental pollution. He stressed that fiscal aspects included the problem of channeling subsidies, practices of lack of payment capacity, and situations where the State has to subsidize infrastructure development. Lastly, he stressed the special importance that should be given to equity in the provision of services and to safeguarding the rights of the consumers and users of transport services.

Twenty-five years of change in Latin American and Caribbean transport, 1975-1999: from control to regulation. “*Un Cuarto de Siglo de Cambios en el Transporte en América Latina y el Caribe, 1975-1999: De la Reglamentación a la Regulación*”: Mr. Ian Thomson, officer-in-charge Transport Unit, ECLAC, referred essentially to the changes that have taken place over the last 25

years, in which most Latin American governments have suppressed many of the pre-existing controls and have transferred to the private sector the management of transport services that had previously been operated by the State. He claimed that the prices of transport services had dropped in real terms over this period, while consumption had increased; however, it was not yet possible to be certain about the underlying causes of this positive trend. He discussed the meaning of the Spanish language terms “*reglamentación*” and “*regulación*”, both of which translate into English as “regulation” and mentioned the greater confidence that governments now have in the market mechanism.

He argued that this process required a new form of government regulation, which needed to be consistent with the government’s economic and social development goals, whilst accepting the validity of transport market services. The regulatory framework should protect users from anti-competitive tendencies, so that an improvement in services would not necessarily mean higher charges. It should also be able to apply the types of control and other supervisory procedures deemed to be necessary. Several participants felt that this new approach had a number of problems that had not yet been fully resolved, although in general some successes have been achieved.

The problems of public road transport in relation to the frameworks of control and regulation of transport modes in Buenos Aires. “*La problemática del sector autotransporte público relacionada con los marcos de regulación y control de los modos de transporte de Buenos Aires*”. Ms. Patricia Brennan, a consultant from Argentina, discussed the experience of Buenos Aires in regulating transport services. The agency responsible for applying the current rules and controlling the operational aspects of transport services is the National Commission for Transport Regulation (CNRT). This autonomous body, set up in 1996 as a dependency of the Under-Secretariat for Land Transport, is responsible for motor vehicles and railway passenger and freight transport. She explained that the regulatory body does not set transport policies, but confines itself to implementing and strictly enforcing the regulatory guidelines that are handed down by the executive authority (Autoridad de Aplicación).

Several participants acknowledged that, despite certain limitations, the experience of Buenos Aires shows that with a stable regulatory framework with agencies responsible for regulation and control that are endowed with sufficient human and material resources to carry out their functions, it is possible to gain the benefits of private enterprise and at the same time safeguard the public interest.

The debate brought to the fore certain regulatory issues arising from the use of Euro II diesel motors in buses, instead of running them on less polluting natural gas. The need to make transport regulations compatible with traffic regulations was also raised, with a view to giving preference to buses on the street.

Design of regulatory institutions. “*Diseño de Instituciones de Regulación*”. Mr. Gustavo Nombela, a professor at the University of Las Palmas de Gran Canaria, Spain, argued that the regulation of privatized transport services needed to involve more than just the law and contracts for concessions: investment obligations were particularly important. Regulatory institutions therefore needed to be designed carefully and, as far as possible, from the outset of the transport privatization process. He explained that regulation consisted of striking a balance between users’ welfare, the financial viability of the respective firms and the need for investment in equipment and infrastructure. Simple, transparent and predictable decision-taking rules should be used for this purpose.

A number of participants argued that the make-up of regulatory bodies depended on the specific conditions in each country, but in every case they needed to have the necessary human and material resources. Although it was true that political interference was sometimes not desirable, specialists had the task of showing politicians the economic cost of their political decisions.

The regulation of inter-urban transport in Peru during the past decade. “*La regulación del transporte interurbano de Perú en la última década*”. Mr. Juan Tapia Grillo, Director, Advisory Centre for Land Transport and Research and Documentation (CIDATT), Peru, explained the regulatory framework approved by Congress in Peru, and the functions assigned to the Ministry of Transport, Communications, Housing and Construction for establishing national regulations, and for developing, expanding and improving highway and traffic infrastructure, among other things. He referred to the municipal and provincial functions and described other aspects including the requirements for granting concessions, types of service, authorized vehicle types, and the supervision of services and control of infractions. Certain weaknesses in the current system were acknowledged, and short-term prospects were discussed -especially the promulgation of a new general law on land transport and traffic.

Freight transport in Cuba. Regulation and deregulation. “*El transporte de carga en Cuba. Regulación and desregulación*”. Mr. Manuel Alepuz Llansana, Director General, Transport Institute, Cuba, spoke about the stages through which the regulation and control of freight transport in Cuba have passed, the problems they currently face, and their short-term prospects. He stressed that Cuba was moving towards a comprehensive and broadly based national transport policy, and argued that the development of transport modes should not respond to short-run situations or to opportunities or restrictions, but to a conceptual integration of the role that each transport mode and its corresponding infrastructure should play. In this context, he stressed that work was being carried out on the management of freight transport, and on regulatory proposals. Pricing policy for State-owned transport companies would be sufficiently flexible in the new approach as regards their management capacity, for them to be able to agree prices with their customers, make profits in accordance with capital invested, reduce costs, and steadily increase service quality in accordance with market requirements. The policy projection is to continue giving special priority and facilities to help railroads to increase their share of freight transport.

Airport development in Latin America: challenges and opportunities. “*Desarrollo Aeroportuario en América Latina: Desafíos y Oportunidades*”. Mr. Ellis J. Juan, of the New York branch of Banco Santander, examined the current state of privatization in the airport sector, looking both at emerging market models and the European model of private-sector participation. He also discussed the financial and economic viability of airport projects and the commercial and non-commercial risks associated with them, together with possibilities for risk mitigation. He mentioned the steady disappearance of the concept of the “flag carrier” and to the development of “airline families”. He raised the concept of airport-airline integration, and the need for global (technical and economic) regulation. He listed the ongoing programs of airport privatization in Latin America and stressed that experiences in that region were still at a developmental stage, and their effectiveness was still being tested. These were not comparable to the European case, which have already proven their efficiency.

The railroad privatization process in Latin America compared to the situation of railways in the European Community. “*El proceso privatizador de los ferrocarriles en América Latina en*

contraste con la situación de los ferrocarriles en la Europa Comunitaria". Mr. Gonzalo Martín Baranda, representative of the Spanish National Railways Network (RENFE) in the Latin American Railways Association (ALAF), presented an analysis of the railway privatization process in Europe, and the corresponding regulations. He also discussed the regulatory framework in the European Union, covering the initial regulations in Sweden, to the most recent regulations introduced by France in 1997. The United Kingdom was the country that had made the most progress in this field. He went on to analyse trends in Latin America, where Argentina had been the first country to privatize its railroads. He argued that the consequences of privatization could not be separated from the issues of service quality and train safety, or from economic problems. Accordingly, he recommended that regulatory bodies should have sufficient authority, strength and flexibility to be able to find solutions to such problems.

Ports and maritime transport. Regulation versus competition. *"Puertos and Transporte Marítimo. Regulación versus competencia"*. Mr. Jan Hoffmann, Economic Affairs Officer, Transport Unit, ECLAC, stressed the existence of a "Latin-American model" of port privatization, giving abundant examples including case studies of Chile, Buenos Aires, Havana, Callao, Montevideo and Guayaquil. He argued that the fear of private monopolies was exaggerated, since experience to date had shown that it is possible for competition to exist between services inside ports, terminals, potential ports, port zones, shipping lines, complementary modes of transport and in the products to be transported. He analysed the experience of competition between ports in Mercosur, as well as the regulations for preventing the concentration in maritime transport.

In general, participants considered that there were no standards that were generally applicable to all ports and all countries; in each situation had to be dealt with on a case-by-case basis in response to the specific setting and characteristics. Nonetheless, the market principle could function with economic and quality regulations. The problem was not a matter of the sector to which the operator belonged (public or private), but there were variations: when state ownership was appropriately combined with efficient and effective firms, good results could be obtained, as shown in the case of the Port of Havana.

Port regulation in island States. *"Regulación de Puertos en Islas"*. Ms. Beatriz Tovar de la Fé, professor at the University of Las Palmas de Gran Canaria, Spain, analysed aspects of competition and regulation in island ports, island port systems and other issues. She then examined in greater detail the case of islands with a single port, port services, infrastructure supply services and cargo-handling. She analysed three concession contract scenarios and the thresholds proposed to determine the type of competition existing in container terminals, comparing the ports of La Luz de Las Palmas, Arrecife and Rosario. She argued that the existence of a single island port did not have to imply monopolistic prices or service standards if the circumstances made it possible to create competition inside the port. It was desirable for infrastructure to remain publicly owned, but prices needed to be regulated if management was transferred to the private sector. The regulation of prices and service quality should be inversely related to the level of competition existing in service provision.

Participants considered the advisability of clearly limiting the functions of regulatory agencies and port authorities, so as to avoid the chances of port authorities being captured by the operating companies.

The regulatory regime and its effect on the development of transport services in Central America. *"El régimen regulatorio y su efecto en el desarrollo de los servicios de transporte en*

Centroamérica”. Mr. Raúl Leclair, Advisor, Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA), gave an analysis of transport sector trends in Central America over the last 20 years. These have been marked by sharp contrasts, but on balance the results for the region have been positive, and the provision of transport services is now an activity entirely in private-sector hands. He argued that, to meet future challenges, transport services needed to adopt a new entrepreneurial outlook, which necessarily must include a critical review of regulations that were currently standing in the way of change. He went on to say that there was a consensus that subsidies had to disappear and be replaced by direct support for the user groups that really needed them, as and when State policy in each specific case justified it.

Participants warned of the need to bring regulations up to date so as to make it possible to control the axle weight of vehicles on Central American highways, and thereby avoid the destruction of road surfaces.

Panel Challenges for Latin American transport regulation in the new millennium “*Los desafíos de la regulación el transporte en Latinoamérica para el nuevo milenio*”. Mr. Humberto Valdés Ríos, Subdirector Científico, Asociación de Investigación y Producción del Transporte, Cuba, gave a rapid review of the main landmarks in the development of public passenger transport in Cuba, from carriage regulation (Regulación de Carruajes) in 1886 to operating permits (Licencia de Operación) of 1996. He outlined the aims of the regulations he expects to be applied in Cuba at the start of the third millennium, as regards evaluating investments, giving priority to mass public transport, cost reductions, tariff integration, restrictions on automobiles in inner city areas, and a reduction in journey times. Other aims to be included relate to highway safety, especially for pedestrians and cyclists, minimizing the environmental impact of transport, improving access to public transport systems (including access for disabled people), and applying policies in the field of energy economics. In the Cuba of the twenty-first century, public transport should promote social equity, without basic differences between public transport users and people who have private means of transport, use bicycles or walk. Special emphasis should be given to facilitating the home-work trips, and improving access for the entire population to education, health, cultural and recreation centres.

Mr. Jaime Salazar, a consultant from Colombia, wondered whether the important issue in regulation was to return to the conceptual base to define the mission and correct misguided approaches. He considered that the regulator, whether this be an individual or a commission, is the

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