



**A SMALL NOTE ON THE NEW LABOUR REGIME  
OF THE SPANISH STEVEDORES**

The Spanish Government has finally tackled the very sensible labour regime of the Spanish stevedores. The previous system has been doomed since many, too many, years until it received the final shot on 11 December 2014, when the European Court of Justice published its resolution number C-576/13 finding against the Kingdom of Spain and forcing its derogation.

The Government published a new Royal Legal-Decree on Saturday 25 February 2017 (RLD 4/2017) by which the old system is completely scrapped. That old system forced port terminals to invest in public labour port companies (named SAGEP) incorporated in each and every port for them to get port workers to load and discharge the ships calling all Spanish Ports.

A port terminal was not allowed to employ its own personnel, it was forced to invest in public port companies, it could not decide how many workers should be deployed in each ship, it could not decide the number of hours to work on each ship, it could not decide who was able to work as a stevedore, and a long etcetera of limitations to the free market and free movement of workers which clashed with the European legislation, in particular Article 49 of the Treaty on the Functioning of the European Union.

The new system now establishes, in a very simple and direct way (the RDL has only four articles) that "hiring workers to perform the port service of handling of goods is free, subject only to the established requirements which grant the capabilities of the port workers" (Article 2.1). This is as clear as a law maker can be and such a clear and straight article comes as summer rain to the Spanish port market long yelling for such a change. This of course will not be the case with the powerful stevedores' unions, which have announced several weeks of strikes which no doubt will be a nightmare for the Spanish port and logistic industries for the weeks to come.

According to the RLD 4/2017, the public port labour companies (SAGEP) will still be there in a transition period of three years, given that the Spanish Government has understood that it cannot get rid of the previous system in the blink of an eye, also allowing the current stevedores employed by those SAGEP to gradually switch to the free open labour market.

Port terminals will have to use 75% of the workers supplied by the SAGEP during the first year after the RLD was published, 50% during the second year, and 25% during the third year. It is a given fact that no port terminal will make use of these public companies once this transition period is over, for which they will most probably disappear once the third-year gap is completed.

26 articles in three different laws have been repealed by this new RLD 4/2017 implementing the long-awaited liberalisation of the stevedore's labour regime which has now entered into force according to its Final Disposition number five, although as any other Royal Legal Decree it would need of Spanish Congress' approval which will most probably be obtained in the next days.

A full copy of the RLD 4/2017 can be found following this link (original in Spanish):  
<http://www.bdlezo.com/wp-content/uploads/2017/02/RDL-4-2017.pdf>

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