

JUNE, JULY AND AUGUST
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BULLETIN ANTAQ

9th EDITION

Aline Bayer

Ana Carolina Barbosa Kiritschenko

José Carlos Higa de Freitas

Juliana Rodrigues

Marina Maciel

Natália Pereira Dias

miller.adv.br

Introduction



This bulletin is an initiative of Ruy de Mello Miller Law Firm created by specialized attorneys in Port and Maritime Regulation from the RMM Public Law Nucleus. The document aims to systematize decisions made during meetings of the National Waterways Transportation Agency (ANTAQ) Board of Directors, in addition to other related judgements and discussions, generating a solid repository which may be used as a basis for future analyses and initiatives pertaining to the Shipping and Port sectors of Brazil.

This edition deals with the following subjects:

- (i) Normative Resolution nº 33 of 2019: Social participation mechanisms and effectiveness
- (ii) Ordinance nº 281/2019 and the Possibility of Receiving Service of Process via apps or e-mail
- (iii) Normative Resolution nº 34 of 2019: a new regulation covering container segregation and delivery services

- (iv) Exploitation of a port area without due bidding process: the Petrobrás affair
- (v) Itaquí 12: Perspectives of a greenfield opportunity.

We are also releasing a new section listing main normative acts edited during the quarter – a new periodicity of ANTAQ Bulletin.

Should you wish to include a contact in our mailing list to receive the next editions, or if you no longer wish to receive this document, please send such a request to josecarlos@miller.adv.br or contact us by phone +55 (13) 3219-7303.

We wish you a profitable reading and remain at your disposal.

Contents

REGULATORY

NORMATIVE RESOLUTION N° 33 OF 2019:
SOCIAL PARTICIPATION MECHANISMS AND EFFECTIVENESS
Page 4

ORDINANCE N° 281/2019 AND THE POSSIBILITY OF RECEIVING
SERVICE OF PROCESS VIA APPS OR E-MAIL
Page 6

NORMATIVE RESOLUTION N° 34 OF 2019: A NEW
REGULATION COVERING CONTAINER SEGREGATION AND
DELIVERY SERVICES
Page 8

SUPERVISION

EXPLOITATION OF A PORT AREA WITHOUT DUE BIDDING
PROCESS:
THE PETROBRÁS AFFAIR
Page 10

GRANT

ITAQUI 12: PROSPECTS OF A GREENFIELD OPPORTUNITY
Page 12

LEGISLATION

MAIN NORMATIVE ACTS OF JUNE, JULY AND AUGUST 2019
Page 14



REGULATORY

NORMATIVE RESOLUTION N° 33 OF 2019: SOCIAL PARTICIPATION MECHANISMS AND EFFECTIVENESS

The role of regulatory agencies involves not only the materialization of public policies, drawn up by the political powers, but also a constructive margin in the task of regulating certain economic sectors.

Regulating action will be more or less effective as of the moment when instruments meant to ensure popular participation rights, as laid down by the Brazilian Federal Constitution, are perfected.

Participative and deliberative democracy will no longer be only a model to be followed, but rather an efficient form of the public agent performance. Based on that, Act no. 13.848, of June 25th 2019, was recently published, dealing in a specific chapter with the decision-making procedure of regulating agencies, clearly envisaging the obligation of holding public hearings and inquiries prior to deliberating with regard to normative acts of general interest to economic agents, consumers or users of services rendered.

With that perspective in mind, the National Waterways Transportation Agency published

Normative Resolution n°. 33, dated August 19th, 2019, laying down exactly the rules on social participation in decisions of the National Waterways Transportation Agency (ANTAQ), the following instruments being anticipated:

- a) Public hearings – a participative mechanism of a live nature, consultative, open to any interested party with the possibility of oral manifestation on the part of participants, objective of which is to aid in government decision-making;*
- b) Public Consultation – a participative mechanism, to take place within a given time, of a consulting nature, open to any interested party, aiming at receiving written contributions from the civil society on a particular subject, according to the form defined in its convening act;*
- c) Participative Meetings – a participative mechanism used to for the building of knowledge and development of proposals, open*

to the public or, at ANTAQ's criterion, restricted to guests, enabling oral and written participation in live discussions, of subjects defined by the Agency;

d) Data Gathering – a participative mechanism used for knowledge building and development of proposals on a given subject which, at ANTAQ's criterion, may be open to the public or restricted to guests, enabling parties concerned to provide written contributions, at a different time from the live session.

e) Internal Poll – a participative mechanism aiming at submitting minutes of a normative act, document or matters of interest, to criticism and suggestions from the Agency's staff. An important fact is that such instruments should be used in a rational way. Not every act has to be submitted to popular participation mechanisms, but rather those materially relevant for regulating the sector.

An important fact is that such instruments should be used in a rational way. Not every act has to be submitted to popular participation mechanisms, but rather those materially relevant for regulating the sector.

In this respect, articles 19 and 20 of Normative Resolution n° 33 of 2019 define that what should be submitted to public hearing are initiatives linked to proposals of Normative Acts affecting rights of economic agents and users, bidding invitations for grants, and agreement drafts and other decision requiring situations provided for under ANTAQ's specific regulation, this obligation being waived when the act involves proposals of formal alterations in rules in force, alterations to a norm not restricting rights either of economic agents or transportation services users, norm consolidation, research and preliminary studies aiming at providing grounds to rules limited to applying legal and contractual determinations, norm edition or

alteration affecting exclusively ANTAQ's internal organization and normative acts having concrete effects, dedicated to discipline a specific situation and having individualized recipients.

The other participation mechanisms are subject to a more fluid condition, generally involving a general interest in topic being discussed at the agency. As a rule, contributions produced during the social participation process, do not bind ANTAQ's¹ decisions, but should be considered of necessity in decision-providing grounds² so as to lend validity to the respective administrative acts.

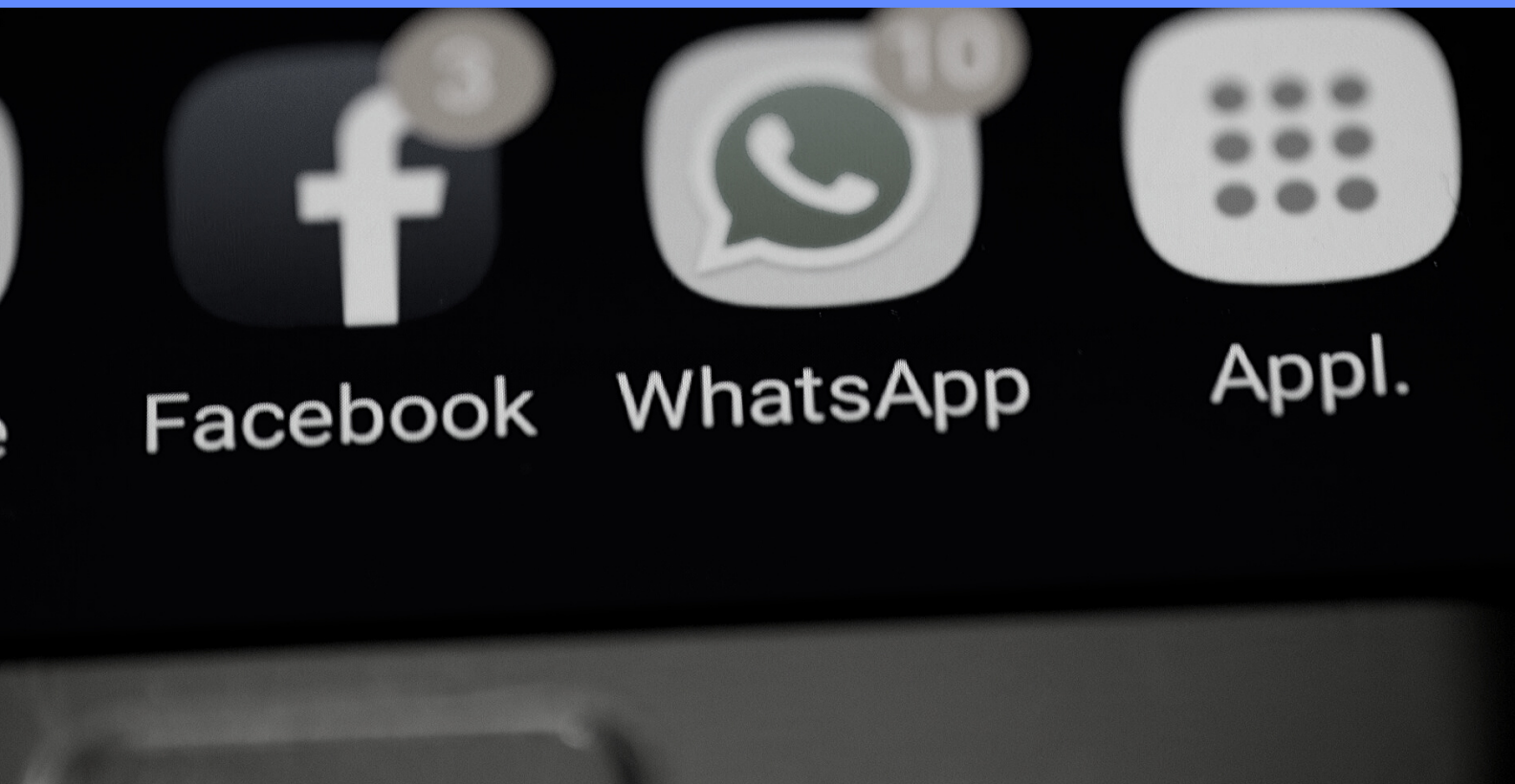
It is worthwhile, at this point, to anticipate that answers to contributions may be presented in blocks, when it is found either that identical contributions are present or that they aim at the same goal³, as well as a provision not to analyse contributions involving object other than matter submitted to enquiry. Both clearly aim at improving quality of social participation, favouring qualified weighing to the exclusion also of the economic strength of groups of interest.

Briefly, Normative Resolution n° 33 of 2019 is relevant as it strides toward a public administration more consensus permeable, ensuring economic agents and users enlargement and regulation of participation mechanisms insofar as ANTAQ is concerned, in order to arrive at a more effective regulatory action.

¹ Art. 6 of Normative Resolution n° 33, 2019

² Art. 9 of Normative Resolution n° 33, 2019

³ Art. 9, §2° of Normative Resolution n° 33, 2019



REGULATORY

ORDINANCE N° 281/2019 AND THE POSSIBILITY OF RECEIVING SERVICE OF PROCESS AND NOTICES VIA APPS OR E-MAIL

In judging case n° 50300.00693/2018-54, during the 465th Ordinary Meeting, ANTAQ approved the regulating of article 79 §5 of Resolution 3259/2014 by means of Ordinance n° 281/2019 – DG/ANTAQ.

Case began with formulation of a legal doubt by the Superintendência de Fiscalização e Coordenação (SFC) [Control & Coordination Superintendence], regarding the possibility of notice being given through using the SFIS MOBILE app., in particular as regards beginning of legal time count for production of notified party's defence.

Thus SFC questioned whether such legal deadline might start as of electronic signing of notice by a legal representative of company being investigated, with the aid of SFIS MOBILE and

subsequent sharing of notice via Whatsapp app.

Federal Attorney's office attached to ANTAQ (PFA) answered stating that *"use of electronic communication means by controlling activity, according to parameters laid down by Resolution n° 3.259/2014 (...) is capable of replacing post office communications for legal notification purposes for production of defence in a control proceeding"*.

In view of Legal Opinion issued by PFA, approved by the Head of Punitive Proceedings and Federal Delinquent Taxpayers List (NPD), there was a recommendation to regulate the matter through a specific norm, which was done by means of Ordinance n° 281/2019 – DG/ANTAQ, which allows for using electronic messages apps and

e-mails for sending notices to companies being investigated.

According to article 3 of said Ordinance, adhering to a notification procedure by means of an app. and e-mail is voluntary and not binding, all other notification forms by ANTAQ remaining valid.

Parties interested in joining that notification mode should fill in and sign the so-called “statement of consent”, made available by ANTAQ, in SEI system. In the statement, they must choose the form they wish to receive notices, either by electronic message application, by e-mail or both (art. 3, §1 and 2).

The possibility opened by Ordinance n° 281 of 2019, whereby interested parties could receive valid notifications by electronic means, shows ANTAQ’s commitment to adopting steps aiming at increasing proceedings celerity, effectiveness and red tape reducing, which is of interest to all parties concerned.



REGULATORY

NORMATIVE RESOLUTION N° 34/2019: NEW REGULATION COVERING CONTAINER SEGREGATION AND DELIVERY SERVICES

Following order by the Federal Audit Court of review of Resolution n° 2389-ANTAQ, of 2012, ANTAQ decided at the 365th Ordinary Board of Directors' Meeting to approve Normative Resolution n° 34-ANTAQ.

This new norm aims at regulating rendering of handling and storage of containers and general cargo in public and private port installations. In short, it provides new provisions regarding the polemic charge by Container Segregation and Delivery Service – SSE and Container Handling Charge at the Terminal (TCH).

In the definitions item, the norm already makes a clear delimitation and differentiation between SSE and Container Handling Charge at the Terminal

(TCH), leaving it clear in article 9 that “*vis-à-vis imports, SSE is neither a part of Box Rate remunerated services, nor of those services expenses of which are reimbursed by means of THC, save contractual provision to the contrary*”.

Upon analysing votesmcast by ANTAQ regarding the wording of the new norm, one concludes that themmain change with regard to former Normative Resolution n° 2.389 of 2012 is theminclusion of Private Use Terminals, which here shall be regulated in the samemmanner as the public terminals. In the opinion of most directors, nature of terminals and the manner they are granted, either by lease or authorization, does not interfere in the container segregation and delivery activities.

It was also agreed the possibility of establishing a price cap system regarding Container Segregation and Delivery Service charge, with the remark that it would be conditioned to analysis of concrete cases, providing a subsidiary, minimal and exceptional intervention in the economic activity.

Therefore, new resolution has the following wording in art. 9 single paragraph: *should it be demonstrated the likelihood of illegal abuse in SSE charge, ANTAQ may establish a maximum price to be charged for such service, through the prior laying down and publicity of criteria to be used for defining it.*

Another point worth stressing is deliberation about creating the concept of a cargo yard deductible, present in the original wording of the resolution. The theme was deemed to be a regulatory innovation by director Francisval Mendes, with vote-request for examination of records, followed up by director Mário Povia, and its real impact on economic agents involved should be analysed.

As a result of deliberations from regulating agency, Normative Resolution nº 34 was edited, with final wording in compliance with with vote-request for examination of records cast by director Francisval Mendes, it being worthwhile pointing out recent order determining that port regulation management promote an analysis regarding the creation of a deductible, as well as the ceiling price for the Segregation and Delivery Service (SSE).

New Resolution shall come into force 180 days after the date of its publication in the Union Official Gazette, that means to say that economic agents will have a six-month period to adapt to its determinations.



SUPERVISION

EXPLOITATION OF A PORT AREA WITHOUT DUE BIDDING PROCESS: THE PETROBRÁS AFFAIR

A topic dealt with during the 464th Ordinary Meeting of the ANTAQ Board of Directors, it has to do with supervision carried out by ANTAQ on 30th May 2016, in the port zones of Gamboa and São Cristovão, in the city of Rio de Janeiro, when it was ascertained that Petrobrás occupies and exploits warehouses 14 to 17, as well as adjacent areas and dry port areas of the São Cristovão Wharves, continuously, carrying out port infrastructure work for adapting to its operation, using their own equipment, which qualifies Petrobrás as a kind of lessee of such facilities, without due bidding process.

That situation had already given rise to the opening of an administrative proceeding against Companhia Docas do Rio de Janeiro – CDRJ (Rio de Janeiro Dock Company), for tolerating exploitation of the São Cristovão wharf area by the company without due bidding process,

in a permanent manner.

Likewise with Violation Report nº 2602-6 against Petrobrás, whereby supervising agent further ordered that a provisional administrative measure be applied, determining vacancy of irregularly occupied premises by the company within 30 days. However, said measure ended up not being applied, since the collegiate direction of the Regulating Agency chose to maintain activities and use of the area until judgement.

According to supervision, this 31, 258 m² area concerned in said proceeding, was being irregularly exploited by Petrobrás since May 2010.

Duly summoned for production of defence, the company alleged, in a tight synthesis, the following points:

- that it does not use the port of Rio de Janeiro a permanent basis but rather continuous (frequently and regularly), and explained that the area under investigation is used for temporary storage and transshipment of material meant for offshore operations, without exclusivity and paid according to port tariff charges;
- that the use of port areas and facilities through payment of port tariffs, does not justify from the point of view of reasonableness and public interest, the application of a pecuniary sanction, considering that, in addition to the fact that the use (non exclusive) occurs through a port operator, there is no hindrance to its use by the other users;
- that the reporting should have been preceded by a technical and juridical report, which did not happen in this case;
- that the violation report lacks motivation, as there is not on the part of Petrobrás either an action or an omission so as to characterize an irregular conduct;
- and finally that the fine could only be levied after imposing a warning, adding that only the law in a formal sense could typify the violation and impose a penalty, while the amount set at R\$ 1,000,000.00 was deemed excessive.

It so happens that, in the course of finding the facts, Federal Attorney attached to ANTAQ – PFA, in a legal opinion, stated that Violation Report should be maintained, making however a calculation for the measuring of penalty which was estimated at R\$299,475.00 based on calculation done on the 1st April of the current year.

The return of the matter for examination by the Ordinary Meetings of ANTAQ Board of Directors, being discussed a long time ago, seems to have come to an end at this time.

Reporting Director Mário Povia held that Violation Report should be maintained and a fine of R\$366,025.00 levied. However the Director in question upheld waiving execution of any provisional administrative measure, ordering that the Regional Units Supervision and Coordination Superintendence – SFC, together with the Rio de Janeiro Regional Unit – URERJ, from the same Agency, followed up the execution of Transition Contract within Case no. nº 50300.020589/2018-93, filed with CDRJ, as a development from Resolution nº 6.926-ANTAQ, with the reservation that fact findings of the case should be reopened, in the event the unfortunate contractual instrument was not executed within a 60-day period, also by understanding that this was a continued behavior.



GRANTING

ITAQUI 12 – PROSPECTS OF A GREENFIELD OPPORTUNITY

During Ordinary Meeting n° 464, ANTAQ judged case n° 50300.008736/2019-38, pertaining to bidding on port area IQI12, located at the Itaquí/MA Organized Port. Area contemplated in procedure is destined to the handling, storage and distribution of liquid fuel in bulk in the port.

Proceeding started due to Letter n° 565/2019/SE (0773316), from the Infrastructure Ministry Executive Secretariat, after carrying out feasibility studies and other documents. The intention was to provide data to the Permanent Committee on Port Leasing Bidding, during the Public Hearing process of the area.

The formal regularity of the Technical, Economic and Environmental Study which would provide grounds to modelling the bidding of area IQI12. Prior study as to the project for the area granting served as a basis for continuing proceeding, with

the possibility of opening the bidding, also aiming at maintaining an economic financial balance of leasing agreements, as per provisions of Resolution n° 3.220/2014 –ANTAQ and determinations and recommendations of the applicable Federal Audit Court.

From the several variables appearing, it is worth mentioning recommendation made by the Organized Ports Management – GPO, through their Technical Note n° 87/2019/GPO/SOG (SEI n° 0779105). In this case, it was the subject of analysis and manifestation regarding the lack of a prospect as to the possibility of adjudicating more than one terminal to the same proponent (recommendation under item 9.4 of Judgement n° 2.413/2015); and the possibility of shared investments (recommendation under item 9.5.3 of Judgement n° 2.413/2015). Along the same lines, Technical Note states that “nothing was mentioned

about the high risk of mutual fault imputation through default/non performance between co-respondents, which is the concern raised by recommendation under item 9.5.3 of Judgement n° 2.413/2015”.

The ANTAQ Permanent committee on Port Leasing Bidding – CPLA., according to Technical Note n° 11/2019/CLPA (SEI n° 0783510), judged that eventual explanations to be given by the Granting Power with regard to the possibility of adjudicating more than one terminal to the same proponent are relevant, but “do not generate a procedural irregularity to the extent of preventing or hindering Public Hearing on the project in question, since they can, without further problems, be broached at another stage of the bidding process.”

It is worth mentioning that consultation to Customs (Letter n° 183/2019/DG/ANTAQ – SEI n° 0783979) and to the City Hall (Letter n° 184/2019/DG/ANTAQ – SEI n° 078398279), were promoted, in compliance with provision of art. 14 Act 12.815 of the 5th June 2013. There was thereby acknowledgement of the formal-legal regularity of procedure prior to public hearing by the Federal Attorney’s office attached to ANTAQ-PFA through a Legal Opinion n° 00040/2019/NCA/PFANTAQ/PGF/AGU (SEI n° 0792509).

Upon overcoming issues brought forth during the course of procedure, the understanding that regulating agency technical and juridical areas should be upheld, with a view to authorizing the procedure of opening a public hearing.

Finally, once obtaining data required for the perfecting of technical and legal documents pertaining to undertaking the bidding, it was approved by means of RESOLUTION n° 7.155 of 6th SEPTEMBER 2019: (i) contributions contemplated in Public Hearing n° 06/2019-ANTAQ (SEI n° 0849256); (ii) the new minutes of the bidding invitation (SEI n° 0849263) and contract (SEI n° 0849260). After regular processing,

records were forwarded to the Infrastructure Ministry – MINFRA so that it “carry out the necessary adjustments to the studies and other basic documents of the respective proceeding, also to the minutes of the invitation and leasing agreement, envisaging results obtained in the economic-financial equation, with subsequent forwarding to Federal Audit Court – TCU”, as per article 2 of said Resolution.

Project in question involves a 34,183m² Greenfield area, main activity of which is the handling and storage of fuel. Investments amounting to R\$177,276,386.00 for a 20-year period concession grant, with 4 years being estimated as a pre-operational period regarding construction of terminal.

Auction which shall adopt the criterion of highest grant value selection, will undergo analysis by TCU, so that it is foreseen that the future invitation to bid should happen in the 1st quarter of 2020.

LIST OF HEADINGS 3RD QUARTER: MAIN NORMATIVE ACTS OF JUNE 2019

INFRASTRUCTURE MINISTRY

MINFRA – ORDINANCE N° 2.361, DATED 4TH JUNE 2019

Approving Development and Zoning Plan of the Itaguaí Organized Port. [...] (PDZ)

Art. 1 To approve the Development and Zoning Plan of the Itaguaí Organized Port, presented by Port Authority, as per Letter DIRPRE n° 4.576, of 19th March 2019.

Art. 2 To establish that PDZ approved by this Ordinance shall be named PDZ of Itaguaí Organized Port - 2019.

Art. 3 To revoke PDZ approved by Port Authority Council - CAP of the port of Itaguaí, by means of Deliberation n° 004 of 28th June 2007, with regard to acts pertaining to the Itaguaí Organized Port.

Art. 4 To determine PDZ publication at the Ministry of Infrastructure electronic site, as well as at the electronic site of Rio de Janeiro Dock Co. (Companhia Docas do Rio de Janeiro - CDRJ).

MINFRA – ORDINANCE N° 2.362, DATED 4TH JUNE 2019

Approving the Development and Zoning Plan of the Barra do Riacho Organized Port. [...]

Art.1 To approve the Development and Zoning Plan of the Barra do Riacho Organized Port presented by Port Authority, as per Letter CA/DIRPAD/WA/058/2018, of 29th October 2018.

Art. 2 To establish that PDZ approved by this Ordinance shall be named PDZ of the Barra do Riacho Organized Port - 2019.

Art. 3 To revoke PDZ approved by Port Authority Council - CAP of the ports of Vitória and Barra do Riacho, by means of Deliberation n° 002, of 30th October 2001, with regard to acts pertaining to the Barra do Riacho Organized Port.

Art. 4 To determine PDZ publication at the Ministry of Infrastructure electronic site, as well as at the site of Espírito Santo Dock Co. (Companhia Docas do Espírito Santo) - CODESA.

MINFRA – ORDINANCE N° 2.695, DATED 21ST JUNE 2019

Ruling on creation of a Technical Commission to evaluate compliance with requirements and conditions laid down in Ordinance n° 574, of 26th December 2018, with a view to delegating powers pertaining to indirect exploitation of port facilities in organized ports to the respective port administrations, delegated or otherwise.

MINFRA – ORDINANCE N° 2.695, DATED 21ST JUNE 2019

Providing information on records of Case n° 50000.020168/2018-47: I uphold legal grounds provided for in NOTE n° 00257/2019/CONJUR-MINFRA/CGU/AGU, approved by ORDER n° 00399/2019/CONJUR-MINFRA/CGU/AGU, from the Legal Consultancy of this Office, I determine that there be an immediate opening of an Administrative Disciplinary Proceeding, bearing in mind the existence of indication of performance and materiality of supposed administrative irregularities carried out by authorities from the National Ports and Waterway Transportation Secretariat, pertaining to suspension of preparation and delay in performing bidding of Warehouses XII and XVII and T8 – Port of Santos Salt Terminal, contrary to Judgement n° 1087/2018-TCU Plenary Sitting, from the Federal Audit Court.

MINFRA – ORDINANCE N° 2.787, DATED 24TH JUNE 2019

Delegating State Infrastructure Ministry powers to listed authorities and prescribing other measures.

Authorities	Delegated powers
Art. 1 To delegate powers to the Executive secretary.	Items I through XXXII.
Art. 1 Single paragraph, delegated to the Head of the State Infrastructure Ministry Cabinet .	Items IX and XXVII, and powers for the granting of daily lodging and passages to civil servants attached to the Minister Cabinet, as well as to those who should accompany the Minister's movements in the Brazilian territory.
Art. 2 To delegate powers to the highest directors of singular specific agencies.	Items I and VIII.
Art. 3 To delegate to National Civil Aeronautics Secretary.	Items I and II.
Art. 4 Delegated to the National Waterways Ports and Transports Secretary.	I - to enter the following instruments, practising all corresponding preparatory acts: a) port facilities lease agreements; b) adhesion contracts for authorization of port facilities exploitation; c) agreements of power delegation under Ordinance GM/MTPA n° 574, dated 26 th December 2018. II – to authorize investments to be made urgently, according to § 1 of art. 42-A of Decree n° 803 of 2013, practising all corresponding preparatory actions. Single Paragraph. Delegation of powers contemplated in this article do not include the powers of ANTAQ- National Waterways Transportation Agency.

Art. 5 Delegated to National Land Transportation Secretary.	Item I.
Art. 6 Delegated to National Incentive, Planning and Partnerships Secretary.	Item I through V.
Art. 7 Delegated powers to Planning, Budget and Administration Sub-Secretary.	To authorize entering contracts amounting to less than ten million reais (R\$10,000,000.00) pertaining to defraying Ministry costs, sub-delegation barred.
Art. 7 Single paragraph. To authorize entering said agreements by general coordinators and heads of administrative units within this Ministry.	In the event of agreements amounting to less than one million reais (R\$1,000,000.00), to defray costs, Planning, Budget and Administration Sub-secretary may sub-delegate the powers.
Art. 8 To delegate jurisdiction to highest officials of the entities attached to the Infrastructure Ministry	Items I and II.
Art. 9 To delegate powers to officials of entities attached to Ministry of Infrastructure, equivalent to Planning, Budget and Administration Sub-secretary.	To authorize entering contracts amounting to less than ten million reais (R\$10,000,000.00) to defray costs of respective entities, sub-delegation barred.
Art. 9 Single paragraph. General coordinators or heads of administrative units.	In the event of contracts equal to or amounting to less than one million reais (R\$1,000,000.00) to defray costs, authorities mentioned in caput may sub-delegate jurisdiction in order to authorize entering said contracts.
Art. 10 To sub-delegate jurisdiction to the Executive Secretary.	Items I through IV.
Art. 11 Infrastructure Ministry Executive Secretary	May edit complementary acts required for the enforcing of provision hereof.

Steps

Art. 12 Administrative appeals filed against decisions taken based on delegated powers by this Ordinance, when applicable, shall be decided definitively by the next higher jurisdiction.
Single Paragraph. In case of sub-delegation of powers mentioned in caput, administrative appeal may resort to three higher Courts.

Art. 13 It is hereby reserved the exercise by the State Minister of attributions delegated by this Ordinance.

Art. 14 Some ordinances, as mentioned in items I to XLV, are revoked.

LEGAL INSTRUMENTS

PRESIDENCY OF THE REPUBLIC – DECREE N° 9.827, DATED 10TH JUNE 2019

Delegating authority to State Infrastructure Ministry to define organized ports area.

PRESIDENCY OF THE REPUBLIC – DECREE N° 9.852, DATED 25TH JUNE 2019

Ruling on the qualification of enterprises within the Investment Partnerships Program from the Presidency of the Republic, and including enterprises in the National Privatization Program. [...]

Art. 1 It is included in the National Privatization Program - PND, for the purpose of provisions of Act n° 9.491, dated 9th September 1997, and qualified within the Presidency of the Republic Investment Partnerships Program- PPI, according to item II of caput of art. 4, Act n° 13.334, dated 13th September 2016, the Companhia Docas do Espírito Santo - CODESA [Espírito Santo Dock Company] and port public service presently being rendered by that company in the ports of Vitória and Barra do Riacho, State of Espírito Santo.

§1 Granting of port administration public services contemplated in caput may be done individually or associated with a transfer of CODESA share control.

§2 The National Economic and Social Development Bank - BNDES shall be in charge of executing and following up the privatization measures contemplated in caput, according to § 1 of art. 6 and with regard to the exercise of attributions as per art. 18, both from Act n° 9.491, of 1997.

§3 CODESA shall forward to BNDES information, data and blueprints pertaining to federal public enterprise contemplated in caput.

§4 National Waterways Transportation Agency shall follow up technical studies hired by BNDES for structuring and implementing privatization measures contemplated in caput and shall approve minutes of notice and contract granting of service, without prejudice of authority ascribed to BNDES.

§5 Infrastructure Ministry shall adopt the measures to formalize the legal instrument to be entered by the Union and the BNDES for feasibility and follow-up of studies required to comply with provision of §2.

§6 Contents of §1 through §4 shall not set aside authority of Infrastructure Ministry to coordinate and monitor privatization measures, including the authority to approve partial and final results of studies to be drawn up by BNDES.

ACT N° 13.848, DATED 25TH JUNE 2019

Ruling on management, organization, decision-making process and social control of regulating agencies, altering Act n° 9.427, dated 26th December 1996, Act n 9.472, dated 16th July 1997, Act n° 9.478, dated 6th August, 1997, Act n° 9.782, dated 26th January 1999, Act n° 9.961, dated 28th January 2000, Act n° 9.984, dated 17th July 2000, Act n° 9.986, dated 18th July 2000, Act n° 10.233, dated 5th June 2001, Provisional Remedy n° 2.228-1, dated 6th September 2001, Act n° 11.182, dated 27th September 2005, and Act n° 10.180, dated 6th February 2001.

LIST OF HEADINGS 3RD QUARTER: MAIN NORMATIVE ACTS OF JULY 2019

NATIONAL WATERWAYS TRANSPORTATION AGENCY

ANTAQ – RELEVANT COMMUNICATION N° 31/2019 – AUCTION N° 3/2019

Considering contents of Case nº 50300.009877/2016-25, it is informed that, due to material error in text of minutes of leasing agreement, it had been erroneously recorded the whole of operations comprising price shown in Service Tariff. In that respect, we arranged for the adjustment of agreement minutes, entering the following number of operations: a) Highway or railway reception of cargo, document checking and data processing both on entering and leaving leased area; b) One weighing per truck or wagon entering or leaving terminal; c) Storage of cargo during free time; d) Forming of groups of cellulose bales for shipment; e) Internal cargo handling through operator's initiative or ordered by Authorities during free period; and f) Cargo transportation to alongside vessel and positioning thereof for hoisting by ship's winches.

MINISTRY OF INFRASTRUCTURE

MINFRA – ORDINANCE N° 2.903, DATED 2ND JULY 2019

Approving the application, as a priority, of Project of Infrastructure Investment, in the logistics and transport sector, proposed by Terminal Químico de Aratu S/A TEQUIMAR, a member of the Investment Partnerships Program - PPI, according to Act nº 13.334, dated 13th September 2016, and Act nº 9.059, dated 25th May 2017, for the purpose of issuing incentive-enjoying debentures.

Company Name	Terminal Químico de Aratu S/A TEQUIMAR
Taxpayer Number	(CNPJ) 14.688.220/0016-40
List of Corporate Persons	ULTRACARGO – Operações Logísticas e Participações Ltda. -99.98% (TIN nº 34.266.973/0001-99) – Controlling company. - Others - 0.02%.

NATIONAL WATERWAYS TRANSPORTATION AGENCY

ANTAQ – ORDINANCE N° 281, DATED 19TH AUGUST 2019

Regulating §5 of article 79 of Resolution 3.259/2014, allowing the use of an electronic message application and e-mails for the forwarding of notices to companies being inspected.

ANTAQ – NORMATIVE RESOLUTION N° 33, DATED 19th AUGUST 2019

Approving the Norm laying down the Rules regarding Social Participation in the National Waterways Transportation Agency- ANTAQ, through Public Hearings, Public Consults, Participative Meetings, Data Collecting and Internal Consults.

ANTAQ – NORMATIVE RESOLUTION N° 34, DATED 19th AUGUST 2019

Approving the norm establishing regulating parameters to be complied with in the rendering of handling and storage services of containers and packages in the port facilities.

ANTAQ – NORMATIVE RESOLUTION N° 35, DATED 19th AUGUST 2019

Approving the norm rendering compulsory the production of information for feeding into ANTAQ's Navigation Performance System-SDN (Port Support Module).

ANTAQ – RESOLUTION N° 7.117, DATED 19th AUGUST 2019

Instituting Consolidation of opinions with a view to uniform treatment of regulated entities.

MINISTRY OF INFRASTRUCTURE

MINFRA – ORDINANCE N° 530, DATED 13TH AUGUST 2019

Establishing that Infrastructure Ministry through ordinance n° 530 published today in the Union's Official Gazette (14th/08/2019), laid down norms for alterations in port leasing contracts.

THE PRESIDENCY OF THE REPUBLIC INVESTMENT PARTNERSHIPS PROGRAM COUNCIL

CPPI - RESOLUTION Nº 69, DATED 21ST AUGUST 2019

It opines for the qualification of enterprises in the port and highway sectors within the Presidency of the Republic Investment Partnership Program - PPI and approves operational modality to be applied in privatizing Federal Highway BR-101/SC.

Estimated timetable of port sector

- Enterprises qualification

Enterprises	Studies	Public poll	Conclusion at TCU	Notice	Auction	Contract
ATU 12 Terminal	09/2019	12/2019	03/2020	04/2020	07/2020	09/2020
STS 14 Terminal	07/2019	10/2019	12/2019	01/2020	04/2020	06/2020
STS 14A Terminal	07/2019	10/2019	12/2020	01/2020	04/2020	06/2020

- Studies qualification

Enterprise	Estimated studies delivery
Santos/SP Organized Port Privatization	4th quarter of 2020

Estimated timetable for highway sector

- Enterprises qualification to support environmental licensing

Enterprise	Installation license
Route BR -158/MT	2nd semester 2020

CPPI - RESOLUTION Nº 70, DATED 21ST AUGUST 2019

Opines in favor of instituting a federal policy of incentive to coastal trade, as found in coastal trade incentive program BR do MAR.



Thank you!
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