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BULLETIN
MARITIME & PORT

EDITION 1 | MAY/JUNE 2024

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MAY/JUNE 2024

In light of the constant updates in the maritime sector, our Ports and Maritime team is launching this Bulletin. Here we cover the main legislative events, developments in Brazil's National Agency of Waterway Transportation (ANTAQ) sphere, and business opportunities.

For more information on any of these topics, we are prepared to assist.

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RECENT, RELEVANT DECISIONS OF ANTAQ'S BOARD OF DIRECTORS

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NORMATIVE UPDATES

- ANTAQ Resolution No. 112/2024: establishes criteria for identifying the agent responsible for the additional storage of cargo and for port facilities' services and costs.
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- ANTAQ Resolution No. 113/2024: amends arts. 10 and 12 of ANTAQ Resolution No. 39/2021, which establishes procedures for the participation of civil society and regulated agents in ANTAQ's process of editing standards and decision-making.
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- ANTAQ Resolution No. 114/2024: determines public port authorities to grant berthing preference to vessels used to transport donations to flood victims in the State of Rio Grande do Sul and authorizes port authorities to grant total or partial exemption from current port fees, based on the proportion of the donation load.
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- ANTAQ Resolution No. 115/2024: establishes, on a special and emergency basis, measures to meet the consequences of environmental events in the State of Rio Grande do Sul, within the scope of waterway transport.

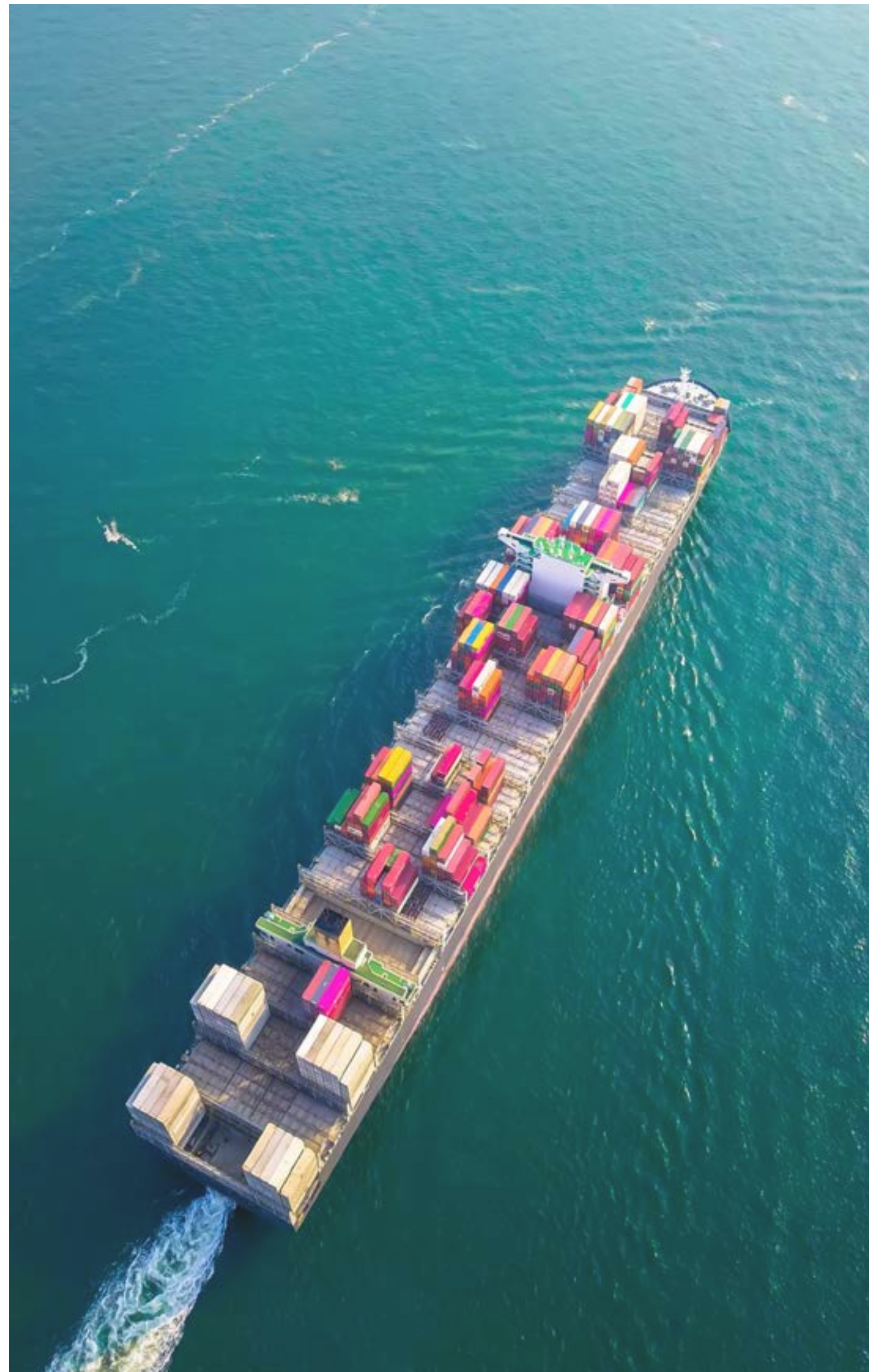
- Decree No. 12,078: institutes the Navegue Simples Program, with the purpose of reducing bureaucracy, promoting innovation, and simplifying the port concessions referred to in Law No. 12,815/2013.

RECENT, RELEVANT DECISIONS OF ANTAQ'S BOARD OF DIRECTORS

- Ordinary Meeting of the Board of Directors of ANTAQ No. 565 (May 27–29, 2024)
 - **Regulatory clarification** about the scope of the obligation to send data on ship-to-ship operations by companies that are not EBN (paragraph 1 of article 7 of ANTAQ Resolution No. 59/2021): It was decided to state that the taxable person of the obligation provided for in paragraph 1 of article 7 of ANTAQ Resolution No. 59/2021—referring to the duty of Brazilian Navigation Companies (EBN) that carry out the STS operation to send ANTAQ information on the monthly movement and average time the vessel stays in the same transshipment area—falls on any companies that perform the activities listed in items I to III of the this provision and is, therefore, not limited to EBN. So it includes companies that carry out operations resulting from the transfer or relief of the production of fixed or floating platforms—including drilling platforms—that operate in the activities of exploration and mining of minerals and hydrocarbons (item I), carry out operations arising from or destined to floating storage units (FSU) or floating storage and

regasification units (FSRU), are connected to terminals located on land (item II), and that operate with tankers (item III).

- **Consultation of the Brazilian Association of Ports, Transport and Logistics Users on the feasibility of chartering foreign vessels for maritime support operations based on the tonnage right of ferries:** It was decided to certify that the calculation of the certificate of ferry tonnage for the purpose of chartering a foreign vessel (to be registered in the REB) is limited to the tonnage composition of the typical vessels in the company's fleet.
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- Ordinary Meeting of the Board of Directors of ANTAQ No. 566 (June 13, 2024)
 - **Request for authorization to operate as a Brazilian cabotage navigation company, supported by a bareboat chartered vessel owned by a foreign company:** It was decided to (i) authorize the company to operate in cabotage navigation, with support in bareboat chartering of a foreign-flagged vessel owned by a foreign company, based on Laws No. 9,432/1997, with the changes brought by No. 14,301/2021, and Law No. 10,233/2001 and (ii) require the Superintendence of Grants proceed with the issuance of the authorization term—which is subject to the presentation of the competent Brazilian Special Registration Certificate - REB of the chartered vessel—within 120 days;

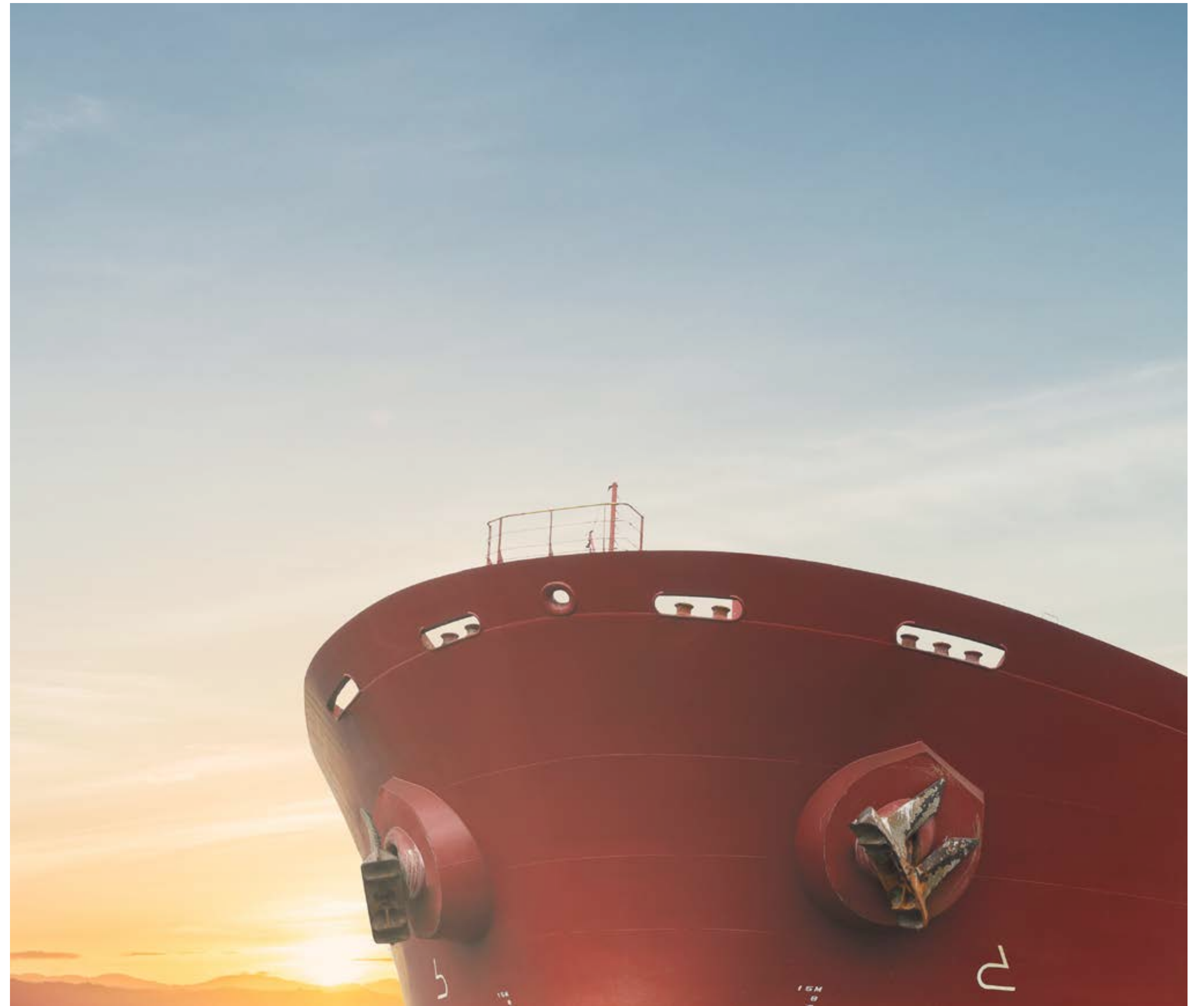


- **Consultation on the regulatory categorization regarding the loading of barges with solid bulk, through floating cargo transshipment equipment:** The regulatory understanding issued by Antaq in Decision No. 122-2023-Antaq was reiterated: (i) the intended cargo transshipment operation does not conform to the concept of port support navigation and (ii) the categorization of the onshore structure that supports the operation cannot be subject to registration—in view of what is established in article 2, item V of ANTAQ Normative Resolution No. 13, of October 10, 2016—and its authorization is required in accordance with Normative Resolution No. 71/2022.
- **Consultation on the chartering of ferries and pushers by the Brazilian navigation company granted for cabotage navigation:** It was stated that in the specific case in question, the transshipment of cargo in the port of Vila do Conde, the activity gives rise to a change in the navigation modality so the transport between Vila do Conde and Manaus is classified in the inland navigation modality. In addition, it was (i) recognized as a case of force majeure that technical alterations of the inland routes that make the navigation of typical vessels used in cabotage unfeasible, so the changes must be recognized by the Maritime Authority; (ii) allowed that the Brazilian navigation companies that have been granted charter to cabotage in the modality by time—Brazilian ferries and pushers—may transport cargo in inland navigation in the Amazon River basin in situations of force majeure that make the navigation of typical cabotage vessels

unfeasible; and (iii) determined that the term of charter referred to in item ii can be up to 90 calendar days.

OTHER NEWS AND BUSINESS OPPORTUNITIES

- It is expected that assets used in maritime transport operations will be in high demand in the coming years. Due to this, there are several incentives related to these assets, especially regarding the use of resources from the Merchant Marine Fund (FMM) to subsidize financing, including for shipbuilding.
- ANTAQ extended the deadline for Public Hearing 04/2024 to August 19, 2024. The hearing aims to receive subsidies and suggestions for improving documents related to the public selection for the provision of the vehicle and passenger crossing service between the municipalities of Manaus (AM) and Careiro da Várzea (AM).
- The Ministry of Ports and Airports (MPor) and the public company Infra S/A opened on June 28, 2024 (i) a public consultation on the Port Sector Plan (PSPort), a planning instrument that is configured as a central tool, at the tactical level, for matters related to the port modal; and (ii) a public consultation on the Waterway Sector Plan (PSH), which is linked to the central planning tool for the waterway subsystem. The period for contributions will run until August 11, 2024.



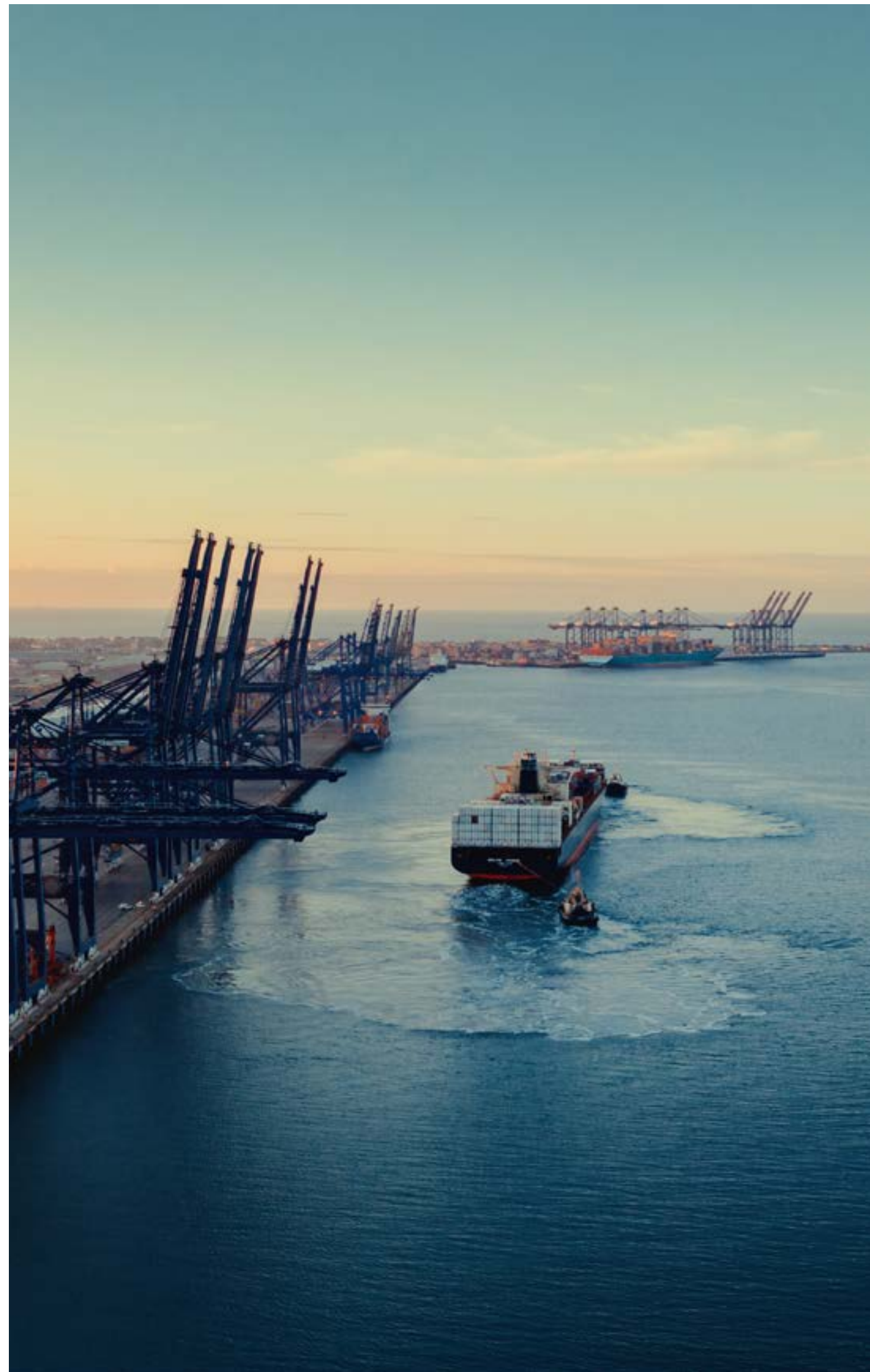


RECENT, RELEVANT DECISIONS OF ANTAQ'S BOARD OF DIRECTORS

- Ordinary Meeting of the Board of Directors of ANTAQ No. 565 (May 27-29, 2024)
 - Consultation formulated by Companhia Docas da Paraíba - DOCAS/PB on the application of the new tariff table of the Organized Port of Cabedelo: It was decided that it is appropriate to charge tariffs for the items reported. However, the following is prohibited: the establishment of exemption without prior approval from ANTAQ (Art 4, item III, c/c art. 12 of ANTAQ Resolution No. 61/2021); double charging and non-isonomic treatment (art. 23, 24 and 25 of ANTAQ Resolution No. 61/2021); and anticompetitive treatment by the port authority, which may incur in infractions described in Art. 33 of ANTAQ Resolution No. 75/2022.
 - Consultation on the storage of radioactive cargo: It was decided that (i) the price list charged by the leased terminal is not to be confused with the tariff list used by the Port Authority of the Port of Rio de Janeiro; (ii) the rules applicable to the case under consultation are ANTAQ Resolutions No. 65/2021, No. 72/2022, and No. 75/2022, and ANTAQ Resolution No. 61/202 does not apply in relation to cargo storage as this rule is aimed at the standardized tariff structure of the Port Authorities; (iii) any charge for storage of cargo is not applicable; and (iv) charges are considered legitimate for the provision of service to attend to the cargo and authorities or arising from the cargo's presence in the area, including for its

- movement, internal transit, customs procedures, international security and delivery, and other activities, depending on the triggering event.
- Consultation on regulatory conformation of the PORTOCEM FSRU project: It was decided to a) state that the area allocated to the project must be treated as a proposal to expand the area over the physical space in waters and that it is necessary to incorporate this area into the Adhesion Contract No. 113/2016, in compliance with the established in Ordinance 1,064-MINFRA; b) note that, although that Adhesion Contract contemplates the exploitation of liquid and gaseous bulk cargo profiles, the contract must include that the operation be carried out by a Floating Storage Regasification Unit (FSRU) vessel; c) establish that, since the company did not present data on the volume of liquid and gaseous bulk that it will operate from the implementation of the project and, since the contract is silent on the movement and storage capacities on these cargo profiles, ANTAQ's statement on a possible increase in capacity as raised in the consultation is prejudiced. This issue may be analyzed in due course when a future amendment is agreed.
- Request for transfer of corporate control of a temporary lessee of port areas and facilities in the Organized Port of Itajaí/SC: It was decided to endorse the decision of DG-Resolution No. 45/2024, which approved by ad referendum the decision to change corporate control of the provisional operating contract of the Port of Itajaí, located in Santa Catarina.

- Ordinary Meeting of the Board of Directors of ANTAQ No. 566 (June 13, 2024)
 - **Consultation on the Inclusion of Priority in the Port Exploration Regulation - REP. PortosRio - Port of Itaguaí:** It was decided to (i) declare that the changes to the Port Exploration Regulations (REP) do not depend on prior consultation or authorization from ANTAQ, in accordance with article 8 of ANTAQ Resolution No. 75, of 2022, and article 4, I, of Decree No. 8,033, of 2013, and that ANTAQ is responsible for exercising subsequent regulatory control, ex officio or when provoked, to ensure, if necessary, that the changes implemented are in line with existing legislation and guidelines; (ii) declare that the inclusion of priorities in the Port Exploration Regulation (REP) for cargo ships at the Port of Itaguaí, to the detriment of Private Use Terminals (TUPs), may cause a competitive imbalance, compromising the operational efficiency and attractiveness of private terminals in addition to contradicting the guidelines established in Law No. 12,815/2013, especially in Article 3, item V, which aims to stimulate competition and ensure broad access to organized ports, their facilities and port activities, so it is recommended not to adopt this measure and (iii) address any change in the regime of berthing priority in the Port Exploration Regulation (REP) of Port of Itaguaí, due to a possible implementation of the Tagohay LNG Storage and Transfer Terminal, when analyzing the authorization process of that enterprise.



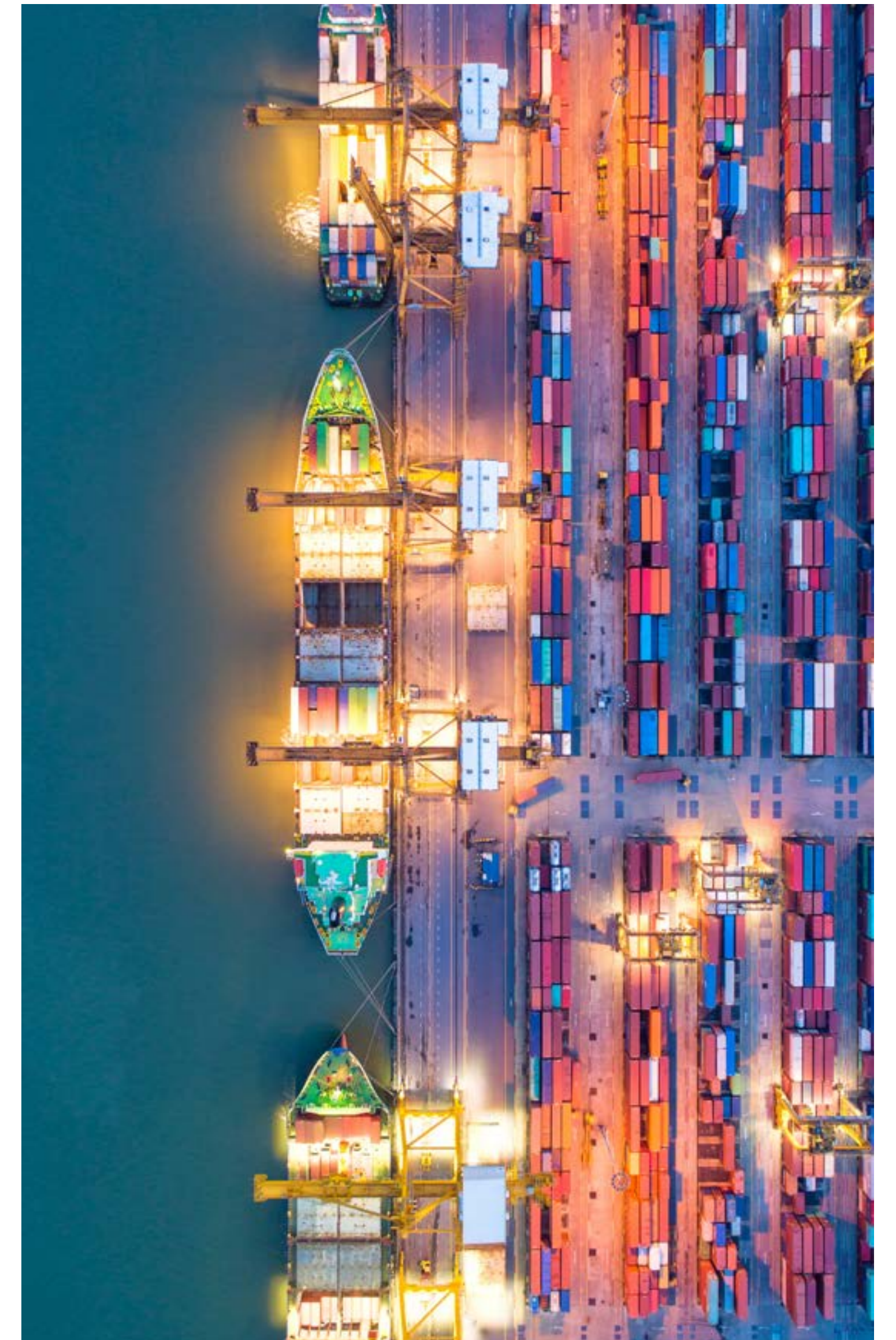
- **Consultation of the Society of Ports and Waterways of**

Rondônia on Free Assignment of Use of Physical Space in the polygonal of the Organized Port of Porto Velho: It was decided that the assignment of use of the area by the Society of Ports and Waterways of Rondônia to the company must be made through the signing of a Term of Assignment of Onerous Use, and Ordinance No. 51-MINFRA, of March 23, 2021, must be observed.

OTHER NEWS AND BUSINESS OPPORTUNITIES

- In progress
 - On June 10, 2024, PortosRio published a tender protocol for dredging works to readjust and expand the access channel in the waterway infrastructure of the Port of Rio de Janeiro. The tender includes the areas of the Gamboa pier and Barra Grande. The opening of bids and the start of bidding are scheduled for August 9, 2024, with an estimated total value of BRL 117.3 million.
 - The auction for the first block of port terminals to be leased in 2024 is scheduled for August 21, 2024. The block in question covers five areas, three of which (REC08, REC09 and REC10) are located in the Port of Recife (Pernambuco). The other two are located in the Port of Rio de Janeiro (RDJ06) and the Port of Rio Grande do Sul (RIG10).

- Expected:
 - The Federal Government plans 16 lease bids in the amount of BRL 8.2 billion. In addition, ANTAQ plans bids for three projects in Paranaguá, with BRL 3.5 billion in investments. By 2026, the Ministry of Ports and Airports plans 35 auctions in order to attract BRL14.5 billion in investments. The most-awaited projects are the solid mineral bulk terminal in Itaguaí (Rio de Janeiro), with BRL 2.73 billion in investments; the port of Itajaí (Santa Catarina), with BRL 2.87 billion in investments; and the dredging of the access channel in Paranaguá (Paraná), with more than BRL 1 billion in investments.
 - Also, within the scope of the Investment Partnership Program of the Presidency of the Republic - PPI, there are the following federal public enterprises in the port sector:
 - » RDJ10 Terminal, in the Organized Port of Rio de Janeiro, State of Rio de Janeiro, which covers an area of 15,600 square meters dedicated to the handling and storage of non-containerized general cargo. The project is in the review phase of the submitted EVTEA.
 - » RDJ07 Terminal, in the Organized Port of Rio de Janeiro, State of Rio de Janeiro, which covers an area of 52,450 square meters dedicated to the handling and storage of general cargo and liquid bulk. The project is in the study phase.
 - » MCP03 Terminal, in the Organized Port of Santana, State of Amapá, which covers an area of 11,677 square meters, dedicated to the handling and storage of vegetables solid bulk, especially soybeans and corn. The Federal Court of Accounts (*Tribunal de Contas da União*, "TCU") through Decision 1168/2024, established that the leasing process of terminal MCP03 can be finalized without the need for a prior manifestation by the TCU, without prejudice to the court's subsequent action in external control proceedings of another nature, if necessary.
 - » Waterway Access Channel of the Port of Rio Grande, State of Rio Grande do Sul. The project is in the study phase.
 - » STS33 Terminal, in the Organized Port of Santos, State of São Paulo, which covers an area of 51,460 square meters dedicated to the handling and storage of general cargo, of project or containerized. The project is in the study phase.
 - » MUC04 Terminal, in the Organized Port of Fortaleza, State of Ceará, which covers an area of 134,795 square decimeters dedicated to the handling and storage of containers. The project is in the study phase.
 - » POA26 Terminal, in the Organized Port of Porto Alegre, State of Rio Grande do Sul, which covers an area of 22,052 square meters and 40 square decimeters dedicated to the handling and storage of vegetable and mineral solid bulk. The project is in the study phase.
 - » RDJ11 Terminal, in the Organized Port of Rio de Janeiro,



- State of Rio de Janeiro, which covers an area of 9,010 square meters dedicated to the handling and storage of non-containerized general cargo, especially steel products. The project is in the study review phase.
- » ITG02 Terminal, at the Port of Itaguaí, State of Rio de Janeiro, dedicated to the handling and storage of minerals solid bulk. The project is currently under analysis at TCU.
 - » PAR03 Terminal, at the Port of Paranaguá, State of Paraná, which covers an area of 38,000 square meters dedicated to the handling and storage of minerals solid bulk. The project is in the study phase.
 - » PAR14 Terminal, in the Port of Paranaguá, State of Paraná, which covers an area of 51,789 square meters dedicated to the handling and storage of vegetable bulk. The project's studies are under review after a Public Consultation for submission to the TCU.
 - » PAR15 Terminal, in the Port of Paranaguá, State of Paraná, which covers an area of 40,603 square meters dedicated to the handling and storage of vegetable bulk. The project's studies are under review after a Public Consultation for submission to the TCU.
 - » RDJ06A Terminal, in the Port of Rio de Janeiro, State of Rio de Janeiro, which covers an area of 13,700 square meters dedicated to the handling and storage of liquid bulk. The project is in the study phase.
 - »
- » SSD04 Terminal, in the Port of Salvador, State of Bahia, which covers an area of 34,519 square meters dedicated to the handling and storage of containers and general cargo. The project is in the study phase.
 - » STS10 Terminal, in the Port of Santos, State of São Paulo, which covers an area of 463,843 square meters dedicated to the handling and storage of containerized cargo. The project is under review after public consultation.
 - » STS53 Terminal, in the Port of Santos, State of São Paulo, which covers an area of 87,981 square meters dedicated to the handling and storage of minerals solid bulk. The project is under review after public consultation.
 - » TGSFS Terminal, in the Organized Port of São Francisco do Sul, State of Santa Catarina, which covers an area of 41,171 square meters dedicated to the handling and storage of vegetable solid bulk. The project is in the study phase.
 - » VDC10 Terminal, for handling and storage of liquid bulk, alumina, and hydrate, located at the Port of Vila do Conde, in the State of Pará. The project is under review for submission to the TCU.
 - » VDC10A Terminal, located in the Port of Vila do Conde, State of Pará, dedicated to the exploration of an enterprise for the handling and storage of liquid bulk. The project is under review for submission to the TCU.
- » STS08 Terminal, at the Port of Santos, State of São Paulo, which covers an area of 137,319 square meters dedicated to the handling and storage of liquid and gaseous bulk. The project is under review.
 - » Waterway Access Channel to the Ports of Paranaguá and Antonina, in Paraná. The contributions of the public consultation are under analysis by ANTAQ, MPor, and Infra S/A.
 - » ILH01 Terminal, in the Port of Ilhéus, State of Bahia, which covers an area of 260,668 square meters dedicated to the handling and storage of vegetable solid bulk, mineral solid bulk, and general cargo, and a passenger terminal. The project is in the study phase.
 - » Santos-Guarujá Tunnel, which is a dry connection between Santos and Guarujá, under the channel of the Port of Santos/São Paulo, through an immersed tunnel of about 860 meters in length, plus the accesses. The project is in the study phase.
 - » IQI14 Terminal, in the Port of Itaqui, State of Maranhão, which covers an area of 43,404 square meters dedicated to the handling and storage of fuels liquid bulk. The project is in the study phase.
 - » MUC03 Terminal, in the Port of Mucuripe, State of Ceará, which covers an area of 27,200 square meters dedicated to the handling and storage of solid bulk. The project is in the study phase.
 - » VDC29 Terminal, in the Organized Port of Vila do

Conde, State of Pará, which covers an area of 67,448 square meters dedicated to the handling and storage of vegetable solid bulk. ANTAQ approved the contributions received in a public hearing and forwarded them to MPor.

- » SFS201 Terminal, located in the Organized Port of São Francisco do Sul/SC, covering 44,893 square meters intended for the handling and storage of general cargo. The project is awaiting public consultation.
- » TGSFS Terminal, in the Organized Port of São Francisco do Sul, State of Santa Catarina, which covers an area of 41,171 square meters dedicated to the handling and storage of vegetable solid bulk. The project is awaiting public consultation.
- » SSB01 Terminal, located at the Port of São Sebastião, State of São Paulo, for the purpose of handling general cargo. The project is in the study phase.
- » VDC04 Terminal, located in the Organized Port of Vila do Conde, state of Pará, covering 32,357 square meters intended for the handling and storage of mineral solid bulk. In April 2024, ANTAQ held a public hearing aimed at receiving subsidies and suggestions for the improvement of technical and legal documents related to the holding of a bidding process for the lease of the terminal.
- » o In March 2024, PortosRio published two public call notices, with deadlines for comments in until April and

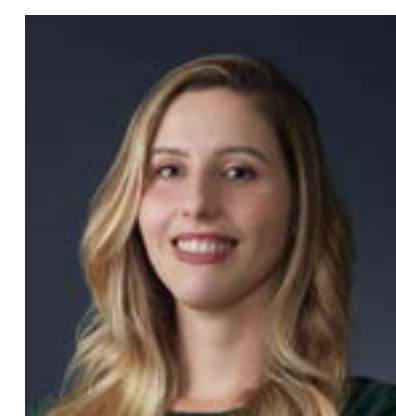
May, 2024 , in order to identify legal entities, under public or private law, interested in presenting projects to be implemented in Rio de Janeiro in the Port of Forno, located in Arraial do Cabo, and in the Port of Angra dos Reis. The purpose of these notices was to identify the potential use of these ports so that PortosRio can plan the best destinations for areas of the port and prepare future bidding procedures.

- » o In addition, there are several incentives related to assets used in maritime transport operations—including subsidized financing, with resources from the FMM—for works in maritime terminals (especially for dredging). The Special Incentive Regime for Infrastructure Development (REIDI) and Reporto also stand out as incentives.





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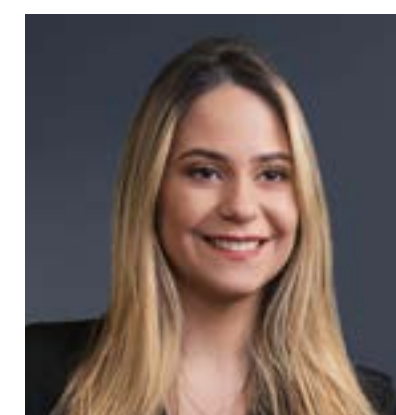


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