

Presidency of the Republic

Office of the Chief of Staff

Vice-Director for Legal Matters

LAW Nº 12.815, DATED JUNE 05, 2013.

[Mensagem de veto](#)

[Conversão da Medida Provisória nº 595](#)

This Law refers to the development, through both direct and indirect actions, by the Federal Government, of ports and their facilities and also the activities carried out by port operators; altering Laws Nos. 5.025, of June 10, 1966, 10.233, of 5 of June of 2001, 10.683, of May 28, 2003, 9.719, of November 27, 1998, and 8.213, of July 24, 1991; revoking Laws Nos. 8.630, of February 25, 1993, and 11.610, of December 12, 2007, and provisions of Laws Nos. 11.314, of July 3, 2006, and 11.518, of September 5, 2007; and establishes other measures.

THE PRESIDENT OF THE REPUBLIC. Be it known that Congress has decreed and I have sanctioned the following Law:

CHAPTER I

DEFINITIONS AND OBJECTIVES

Art. 1 This Law regulates the development by the Federal Government, through both direct and indirect actions, of ports and their facilities and the activities carried out by port operators.

§ 1 The indirect development of statutory ports and their facilities will occur through the concession and leasing of government-owned assets.

§ 2 The indirect development of port facilities located outside of the statutory port area will occur through authorization, as defined in this Law.

§ 3 The concessions, leasing and authorizations covered under this Law will be awarded to legal entities that not only show the necessary ability to carry out the services but also are able to assume the inherent risks.

Art. 2 For the purposes of this Law the following are considered:

I -statutory port: government-owned assets built and installed to meet the needs of navigation, passenger transportation and the handling and storage of goods, and where ship traffic and port operations are under the jurisdiction of a port authority;

II - area of the statutory port: t h e a r e a delimited by act of the Federal Government including the port facilities, and the protection and access infrastructure of the statutory port;

III - port facilities: installations located either within the area of the statutory port or outside the same, that are used for passenger transportation or the handling and storage of merchandise, destined for or arriving by means of waterborne transportation;

IV - private use terminal: authorized port facility located outside of the statutory port area;

V – cargo transshipment point: authorized port facility located outside the statutory port area and used exclusively for goods transshipment operations using inland waterways' and cabotage shipping vessels;

VI -small-scale public-port facility: authorized port installation located outside of the statutory port and used for passenger movement or the handling of goods carried by inland waterways' vessels;

VII -tourist port facility: port installation leased or authorized to operate for the embarking, disembarking and transit of passengers, crew and baggage, and for the necessary supplies required by tourist vessels;

VIII - (VETOED):

a) (VETOED);

b) (VETOED); and

c) (VETOED);

IX – concession: control of the statutory port is ceded, with onus, to a concessionaire that becomes responsible for the administration and development of the infrastructure of the port during a set period of time;

X -delegation: the transfer, through an agreement with municipal or state government, or with a public consortium, of the administration, operation and development of a statutory port under the terms of Law No. 9,277, of May 10, 1996 ([Lei nº 9.277, de 10 de maio de 1996](#));

XI - leasing: control of a government-owned area and its infrastructure, located within the statutory port, is ceded with onus, to be operated and developed during a set period of time;

XII - authorization: a contract is signed between the authorizing entity and the authorized company whereby the latter is awarded the right to operate and develop port facilities located outside the statutory port area; and

XIII - port operator: a prequalified legally-registered company responsible for passenger movement, handling and storage of merchandise, arriving from or destined to waterborne transportation, within the area of the statutory port.

Art. 3 the operation and development of statutory ports and port facilities, with the objective of increasing the competitiveness and development of the country, must adhere to the following guidelines:

I - expansion, modernization and optimization of the infrastructure and superstructure contained within the statutory ports and their facilities;

II - guarantees regarding the accessibility and transparency of the tariffs and prices practiced in the sector, the quality of the service provided and the effectiveness of users' rights;

III - promote the modernization and increased efficiency of port management within the statutory ports and their facilities, enhancing the quality of the port and its manpower and the efficiency of the services offered;

IV - enhanced security for shipping using the port; and

V –increase competition, with incentives for the participation of the private sector and assurances regarding full access to statutory ports, facilities and port activities.

CHAPTER II

THE DEVELOPMENT OF PORTS AND PORT FACILITIES

Section I

Concession of Statutory Ports and Leasing of Port Facilities

Art. 4 The concession and leasing of government-owned port facilities, to be used in port operations, will be carried out following a procurement process leading to the signing of a contract as required by the provisions of this Law and its regulations.

Art. 5 The following clauses must be part of all concession and leasing contracts:

I - the object, the area and the duration;

II –the mode, form and conditions for the operation and development of the statutory port or port facility;

III - the criteria, indicators, formulae and parameters defining the quality of the activity to be provided as well as targets and periods set for meeting determined levels of service;

IV - the value of the contract, the tariffs to be charged and the criteria and procedures for revision and readjustment;

V -the investments that are to be made by the contracted party;

VI - the rights and obligations of users, with the correlated obligations of the contracted party and the respective sanctions;

VII - the responsibilities of the parts;

VIII -.the reversion of goods;

IX - the rights, guarantees and obligations of both the contracting party and the contracted party, including those related to future supplementary requirements, alteration and expansion of the service and consequent modernization, improvement of and extensions to the installations;

X – the manner in which the installations, equipment and methods and practices of service are to be overseen, as well as identification of the bodies and competent parties to carry out such oversight;

XI - the guarantees for the adequate execution of the contract;

XII - the responsibility of the owner of the port facility in the case of non-execution or deficient execution of the services;

XIII - hypothesis for the cancellation of the contract;

XIV - the requirement to furnish information as requested by the concessionary authority, the National Waterways Transportation Agency –Antaq, and by other authorities within the port sector, including those specific to national defense and mobilization;

XV - the adoption and implementation of customs' inspections of merchandise, vehicles and persons;

XVI - access to the statutory port or port facility by the concessionary authority, by Antaq and by the other authorities within the port sector;

XVII - the penalties and their form of application; and

XVIII - legal jurisdiction.

§ 1 (VETOED).

§ 2 At the end of the set contract period, all goods tied to the concession or lease will revert to the Federal Government, as established in the provisions of the contract.

Art. 6 In the procurement of concession and leasing contracts the following will be considered, either alone or in combination, as evaluation criteria: largest handling capacity, lowest tariff or lowest cargo handling time, and others laid out in the bidding documents, as established in the regulations.

§ 1 The procurements covered by this article may be carried out using the auction mode as established in the regulations.

§ 2 It is the responsibility of Antaq, as established in the guidelines prepared by the concessionary authority, to carry out the procurement procedures specified in this article.

§ 3 The bidding documents mentioned in this article will be prepared by Antaq, in accordance with the guidelines laid down by the concessionary authority.

§ 4 (VETOED).

§ 5 Without prejudice to the guidelines laid out in art. 3, the concessionary authority may delegate the responsibility for preparing the bidding documents and the carrying out of the procurement process to the port administrator, whether the administration has been delegated or not.

§ 6 The concessionary authority may authorize, by notification to the leaser and as laid out in the regulations, the expansion of the area under lease to include an adjoining area within the polygonal of the statutory port, under the condition that any such increase brings about assured increments in the efficiency of the port operations.

Art. 7 In exceptional circumstances Antaq may authorize the use of the port installations, leased or operated by the concessionaire, by another entity, with the guarantee that the concessionaire will be adequately compensated.

Section II

Authorization for Port Facilities

Art. 8 Port facilities, of the following types, located outside the statutory port area may be operated by authorization, preceded by a call of interest or public request for offers and, should it be the case, a public procurement process:

- I – private-use terminal;
- II - cargo transfer terminal;
- III - small-scale public-port facility;
- IV – tourist-port facility;
- V - (VETOED).

§ 1 the authorization will be finalized by means of a contract of adhesion, which will contain the main clauses described in Article. 5, with the exception of those specified in items IV and VIII.

§ 2 the authorization will be for up to 25 (twenty-five) years, and may be extended for subsequent periods, on the following conditions:

I - port operations are maintained; and

II - the contracted party makes the necessary investments for the expansion and modernization of port facilities as laid out in the regulations.

§ 3 Antaq will adopt measures to guarantee that the authorized investment program is carried out and may demand guarantees and apply sanctions up to and including the cancellation of the authorization.

§ 4^o (VETOED).

Art. 9 parties interested in obtaining an authorization to construct a port facility may make such a request to Antaq at any time as described in the regulations.

§ 1 on receipt of a request to construct a port facility Antaq shall:

I - make public a summary of the request, including on the Internet; and

II - allow a period of 30 (thirty) days so that other parties, also interested in obtaining an authorization to construct a port facility with similar characteristics in the same region, may come forward.

§ 2 (VETOED).

§ 3 (VETOED).

Art. 10. The concessionary authority may request that Antaq, at any moment and in accordance with the planning and political guidelines for the port sector, initiate a call to identify the existence of parties interested in obtaining the authorization to construct a port facility, as laid out in the regulations and in accordance with the timeline established in subsection II of § 1 of art. 9.

Art. 11. The documentation of the public call of interest must contain the following parameters:

- I - the geographic region in which the port facility will be constructed;
- II - the types of cargo to be handled; and
- III - an estimate of the cargo and passenger numbers to be handled by the port facility.

Single paragraph. The party interested in obtaining authorization to construct a port facility shall present proof of ownership, registry of occupation, leasing certificate, cession of property rights, or other judicial instrument that confirms the right to use the respective land, together with other documentation established in the call of interest.

Art. 12. At the close of the public call of interest the concessionary authority shall analyze the feasibility of the proposed locations in terms of their conformity with the planning and political guidelines for the port sector.

§ 1 Once met the requirements of the regulations, authorizations for the construction of port facilities may be issued directly when:

- I - the public call of interest is concluded with the participation of only one interested party; or
- II - there being more than one proposal but no locational conflict, there is no impediment to their implementation in a concomitant matter.

§ 2 Should there be more than one proposal and locational conflicts that prohibit their implementation in a concomitant manner, Antaq shall proceed with a public selection process following the principles of legality, exemption, morality, transparency and efficiency.

§ 3 The public selection process covered in § 2 shall meet the requirements of the regulations and take into account, either alone or in combination, the evaluation criteria of largest handling capacity, lowest tariff and lowest time for cargo handling, and any other criteria specified in the bidding documents.

§ 4 in any case, only port facilities compatible with the planning and political guidelines for the port sector may be authorized.

Art. 13. In exceptional circumstances Antaq may allow another interested party to have access to the authorized port facilities whilst guaranteeing adequate compensation to the holder of the authorization.

Section III

Requirements for the Construction of Ports and Port Facilities

Art. 14. The signing of the concession or leasing contract and the issuing of the authorization will be preceded by:

- I - consultations with the customs' authority;
- II - consultations with the respective municipal authority; and
- III - the handing over, by a respective environmental licensing authority, of the terms of reference for the environmental impact studies required to obtain such a license.

Section IV

Definition of the Area of the Statutory Port

Art. 15. The President of the Republic will, based on a proposal from the Secretariat for Ports of the Presidency of the Republic, determine the areas of the statutory ports.

Single paragraph. This determination of areas shall consider the adequateness of maritime and land accesses, the gains in efficiency and competitiveness resulting from scale of operations, and existing port facilities.

CHAPTER III

THE CONCESSIONARY AUTHORITY

Art. 16. The concessionary authority is responsible for:

I - drawing up a plan for the sector in conformity with the policies and guidelines for integrated logistics;

II - drawing up guidelines for carrying out procurement procedures, public calls of interest and the selection processes dealt with by this Law, including the respective bid documents and other documentation;

III - sign the concession and leasing contracts and emit the authorizations for construction of the port facilities, and supervise the same in accordance with the articles of Law n^o 10.233, of 5 June, 2001; and

IV - define the norms, criteria and procedures for the prequalification of port operators.

§ 1^o Under the terms of this Law the concessionary authority may celebrate agreements or similar instruments of technical assistance with bodies and agencies of the federal, state and municipal administrations, and with the Federal District, including for the disbursement of funds.

§ 2^o With reference to the established in Item II of this chapter, the concessionary authority shall hear the opinions of the National Petroleum, Natural Gas and Biofuel Agency whenever a procurement, public call of interest or selective process involves port facilities which deal with petroleum, natural gas, their derivatives, and biofuels.

CHAPTER IV

ADMINISTRATION OF THE STATUTORY PORT

Section I

Competence

Art. 17. Port administration may be carried out directly by the Federal Government, by delegation or by the concession of the statutory port.

§ The responsibilities of the statutory port administration, the port authority, are:

I - carry out and have carried out the laws, regulations and obligations of the concession contracts;

II –ensure that businesses operating in the port sector, and shipping in general, benefit from improvements made to port infrastructure and equipment;

III - prequalify port operators following the norms laid down by the concessionary authority;

IV - collect all amounts from tariffs related to port activities;

V –supervise/implement construction, reform, extension, improvements and maintenance works to port facilities;

VI - supervise port operations assuring that these activities are carried out with regularity, efficiency, safety and respect for the environment;

VII - take the necessary measures for the removal of vessels or wrecks that could endanger access to the port;

VIII – authorize vessels to enter and leave port, including berthing and unberthing, anchoring and ship maneuvering within the port area, coordinating these actions with the other authorities within the port;

IX - authorize the handling of ships' cargos, safeguarding the responsibility of the maritime authority in situations where vessels require assistance or salvage, coordinating those actions with the other authorities within the port;

X –suspend port operations that cause prejudice to the good working of the port, safeguarding aspects of interest to the maritime authority responsible for the safety of shipping;

XI - report any infractions and make representations to Antaq, with a view to opening an administrative process and applying penalties laid down in law, in the regulations and in the contracts;

XII - implement the measures requested by the other authorities within the port;

XIII - offer technical and administrative support to the port authority council and to the stevedores' management body;

XIV - establish port working hours, following the guidelines laid down by the Secretariat for Ports of the Presidency of the Republic, and shifts on the general-use wharf; and

XV - organize the port guards in accordance with the regulations laid down by the concessionary authority.

§ 2 the port authority will prepare, and submit for the approval of the Secretariat for Ports of the Presidency of the Republic, the respective development and zoning plan for the port.

§ 3 items IX and X of § 1^o do not apply to military vessels that are not involved in commercial activities.

§ 4 the maritime authority responsible for the safety of navigation may intervene to assure that Brazilian naval vessels are given berthing priority at the port.

§ 5 (VETOED).

Art. 18. Within the limits of the statutory port the port administrator is responsible for:

I - under the coordination of the maritime authority:

a) implement, maintain and operate the beaconing of the port's access channel and maneuvering basin;

b) delimit anchorage areas, anchorage for loading and unloading, for boarding by health inspectors and by the maritime police;

c) delimit areas destined for naval vessels and submarines, platforms and other special vessels, ships undergoing repair or waiting to berth, and for ships carrying inflammable or explosive materials;

d) define and disseminate the maximum operating depth for shipping, resulting from bathymetric measurements taken under the administrator's supervision; and

e) define and disseminate maximum gross tonnage and maximum dimensions of vessels permitted with regard to the limitations and physical characteristics of the wharfs in the port;

II - under the coordination of the customs authority:

a) delimit the customs' area; and

b) organize and indicate, using the necessary signage, the routes to be taken by merchandise, vehicles, cargo units and persons.

Art. 19. The board administration may, as directed by the concessionary authority, develop, directly or indirectly, areas not involved in port operations, always respecting the guidelines laid out in the respective development and zoning plan for the port.

Single paragraph. Should the port administration be the responsibility of a governmental body or entity, all contract procedures must follow public procurement guidelines.

Art. 20. Every statutory port must have a port authority council, to which the port administration must refer.

§ 1 the regulations will cover attributions, working practices and the structure of the port authority council, assuring the participation of representatives from the business sector, the port workers and the public authority.

§ 2 there will be equal numbers of representatives from the business sector and port workers.

§ 3 distribution of places on the council will respect the following proportions:

I - 50% (fifty percent) from the public authority;

II - 25% (twenty-five percent), from the business sector; and

III - 25% (twenty-five percent) from the port workers.

Art. 21. Should this entity that administers the port be governmental, there will be one representative from the business sector and one from the port workers on its administrative council or equivalent body, as laid out in the regulations.

Single paragraph. These representatives from the business and the workers' sectors will be chosen by their respective representatives on the port authority council.

Art. 22. The Secretariat for Ports of the Presidency of the Republic will coordinate the actions taken by public bodies and entities in the statutory ports and port facilities in order to guarantee the efficiency and quality of their activities, as laid down in the regulations.

Section II

Customs Administration in the Statutory Ports and in Bonded Port Facilities

Art. 23. Ingress and exit of merchandise to and from overseas will only be permitted in ports or port facilities with bonded warehouse facilities.

Single paragraph. The use of bonded warehouses in statutory ports and port facilities, wherever imported or exported merchandise is handled, will respect the requirements laid out in the specific legislation.

Art. 24. It is the responsibility of the customs department of the Ministry of Finance to:

I - meet, and ensure that others also meet, the legislation that regulates the entry, storage and exit, to and from the country, of any goods or merchandise;

II –supervise the entry, storage, handling and exit of persons, vehicles, cargo and merchandise units, respecting the attributions of other port authorities;

III –carryout customs' controls and inhibit contraband and theft, respecting the attributions of other bodies;

IV - collect taxes due with regard to international trade;

V –carryout customs procedures for the dispatch of imported and exported merchandise;

VI - apprehend merchandise which is in disaccord with the required documentation under the terms of the tax legislation;

VII –authorize the removal of merchandise from the port area to other locations, be they bonded warehouses or not, in the form laid out in the tax legislation;

VIII - administrate the application of tax suspensions, exonerations or returns with regard to both imported and exported merchandise;

IX - guarantee that international treaties, agreements and conventions, regarding the application of customs' taxes, are met; and

X – act with zeal in defending customs legislation and national tax revenue.

§ 1^o in carrying out their duties the customs authorities shall have free access to any and all areas of the port or port facilities and to all vessels, berthed or otherwise, as well as to all locations where merchandise, either imported or for export, is located.

§ 2 in carrying out their duties the customs authorities, whenever they judge necessary, may request documentation and information and the support of federal, state and municipal forces.

CHAPTER V PORT OPERATIONS

Art. 25. The prequalification of the port operator shall be carried out before the port administration and shall follow norms established by the concessionary authority.

§ 1 the prequalification norms shall obey the principles of legality, exemption, morality, transparency and efficiency.

§ 2 the port administration must decide regarding prequalification within a maximum of 30 (thirty) days starting from receipt of the request from the interested party.

§ 3 should the request mentioned in § 2 be rejected, an appeal may be made within 15 (fifteen) days to the Secretariat for Ports of the Presidency of the Republic which must give its decision within 30 (thirty) days, as defined under the terms of the regulations.

§ 4 the administration of the port is considered to be prequalified as a port operator.

Art. 26. The port operator will be responsible to:

I - the port administration for any damage willfully caused to the infrastructure, the facilities and equipment owned by the port administration and which are in use by, or under the responsibility of, the port operator;

II - the owner or consignee of merchandise for any loss or damage which occurs during operations carried out by the operator in the port, or resulting from them;

III - the shipping company for any damage occurred to its vessel or to the merchandise handed over for shipment;

IV - the port worker in remuneration for services rendered and the respective social charges;

V –the local temporary workers' management body for any contributions not collected;

VI - the competent bodies for the collection of tax revenue with regard to work carried out by temporary workers; and

VII - the customs' authorizations for merchandise subject to customs' control during the period in which such merchandise is under the responsibility of the port operator, either stored in an area controlled by the operator or in transit through this area.

Single paragraph. The administration of the ports is responsible for merchandise referred to in items II and VII of this chapter when such merchandise is in an area controlled by the administration, and after its acceptance, as defined in port regulations.

Art. 27. The activities of the port operator are subject to the norms laid down by Antaq.

§ 1 the port operator is responsible for coordinating all its port operations.

§ 2 all onboard cargo handling shall be carried out following the instructions of the vessel's captain, or his/her representatives, as the person(s) responsible for the vessel's safety during any activities involving the handling and offloading of cargo.

Art. 28. Stevedores may be dispensed with in the following situations:

I - due to the handling methods used, automated or mechanized, stevedores are not required or where the work can be carried out by the ship's crew;

II - on vessels used for:

a) public works carried out, directly or indirectly by public authorities, on waterways throughout the country;

b) in the transportation of the produce from smallholdings and fishing being supplied to shops and stores within an urban environment;

c) on inland waterways and feeders;

d) in the transportation of liquid and bulk merchandise; and

e) in the transportation of solid and bulk merchandise when loading or unloading is carried out by automatic mechanical equipment, except in the case of activities involving trimming;

III - with regard to the handling of:

a) cargo in an area under military control, when carried out by military personnel or by staff attached to a military organization;

b) supplies for shipbuilding and naval repair yards; and

c) spare parts, onboard supplies and foodstuffs; and

IV - with regard to the supply of water, bunker fuel and lubricants for navigation.

Single paragraph. (VETOED).

Art. 29. Cooperatives formed by temporary port workers, registered in accordance with this law, may establish themselves as port operators.

Art. 30. Port operations in installations located outside the statutory port area will be supervised by the holder of the respective authorization, whilst respecting the norms established by the maritime, customs, health and sanitation authorities and by the maritime police .

Art. 31. The provisions of this Law to not impede the application of other norms regarding maritime transportation, including those resulting from international conventions ratified by Brazil while binding the country internationally.

CHAPTER VI

PORT LABOR

Art. 32. Port operators shall create, in each statutory port, a port laborers' management body with a view to:

I - administer the distribution of jobs to port laborers and to temporary port laborers;

II - maintain separate and exclusive registers of port laborers and temporary port laborers;

III - train and professionally enable port laborers, adding them to the register;

IV – select and register temporary port laborers;

V - determine the number of places, the frequency and the manner in which temporary port laborers may be added to the register;

VI - expedite identification documents for port laborers; and

VII - collect and pass to the beneficiaries the amounts due by the port operators in terms of remuneration to the temporary port laborers together with the corresponding tax, social and pension charges.

Single paragraph. Should a labor contract, agreement or convention be signed between labor and employers, the contents of this instrument shall precede the management body and dispense with their intervention in the relationship between capital and labor in the port.

Art. 33. It is the responsibility of the temporary port laborers' management body to:

I - apply when necessary the following disciplinary measures specified in law, contract, collective work convention or agreement, whenever necessary:

a) verbal or written admonishment;

b) suspension from the register for a period of 10 (ten) to 30 (thirty) days; or

c) cancellation of the registration;

II - promote:

a) professional training for port laborers and temporary port laborers to acquaint them with modern cargo handling procedures and equipment and enable them to operate such equipment;

b) multi-task training for port laborers and temporary port laborers; and

c) the creation of programs for the reallocation and the cancellation of registrations without prejudice for the laborers;

III - collect and pass to the beneficiaries contributions destined to encourage voluntary retirement and the cancellation of registrations;

IV - collect the contributions destined to cover the costs of the management body;

V –zealously apply all health, hygiene and safety norms related to the temporary port laborers; and

VI - submit to the port administration proposals to improve port operations and the economic wellbeing of the port.

§ 1 the management body is not responsible for damage caused by temporary port laborers to those hiring their services or to any third party.

§ 2 the management body is solidarily responsible together with the port operators for the remuneration due to temporary port laborers and for indemnifications resulting from work accidents.

§ 3 the management body may request, from the port operators, upfront guarantees with regard to payments due to temporary port laborers.

§ 4 the topics contained in points *a* and *b* of item II of this article will be discussed in a permanent forum made up in equal parts, of representatives from the government and from civil society.

§ 5 the representation from civil society in the form mentioned in § 4 will be divided equally between laborers and business people.

Art. 34. The carrying out, by the temporary port laborers' management body, of the attributions laid down in articles 32 and 33, does not imply any employer/employee relationship with the temporary port laborers.

Art. 35. The port laborers' management body may supply temporary port laborers on a permanent basis to the port operator.

Art. 36. The management of temporary port laborers shall respect the norms of the work contract, collective work convention or agreement.

Art. 37. Within the laborers' management body a commission, with equal representation from each of the parts, shall be constituted to resolve conflicts resulting from the application of the terms of articles 32, 33 and 35.

§ 1. In the case of an impasse and arbiter will decide between final offers.

§ 2 Once accepted the arbiter's decision, both parts must abide by same.

§ 3 Arbiters shall be chosen by agreement between the parts and his/her written decision proposing a solution for the conflict will constitute an extrajudicial executive document.

§ 4 the option of legal process with regard to monies due for temporary labor prescribe 5 (five) years after the cancellation of the register at the laborers' management body.

Art. 38. The laborers' management body is required to have a supervision council and an executive directorate.

§ 1 The supervision council will be made up of 3 (three) permanent members and their substitutes, to be indicated as determined in the regulations, and will be responsible for:

I - deliberating on subject matter contained in item V of article 32;

II - editing the norms referred to in article 42; and

III - overseeing the work done by the directors, examining at any time the accounts and documentation produced by this management body and requesting information regarding any actions taken by the directors or their substitutes.

§ 2 The executive directorate will be made up of 1 (one) or more directors, designated and removable as laid out in the regulations, for a three-year term of office, with the possibility of being reelected to a second term.

§ 3 Up to 1/3 (one third) of the supervision council members may be designated to positions as directors.

§ 4 Unless otherwise stated in the statutes or contract, any director may represent the body and practice the acts required for its normal functioning.

Art. 39. The laborers' management body is a nonprofit organization providing a specific service and is thus forbidden from offering services to third parties nor carry out any activity not linked to labor management.

Art. 40. Work related to wharfage, stowage, conference and fixing of cargo, maintenance and surveillance of vessels in the statutory ports may be carried out by permanent or temporary port laborers.

§ 1 With regard to this Law, the following definitions are made:

I -wharfage: the handling of merchandise in facilities within the port, including the reception, conference, internal transportation, unpacking for customs' checks, handling, repacking and handover, as well as the loading and unloading of vessels when carried out using port equipment;

II -stowage: the handling of merchandise on the decks or within the holds of main and auxiliary vessels, including transfer, stuffing, lashing and unlashng, as well as loading and unloading when carried out using the vessel's own equipment;

III - cargo conference: volume counts, noting of characteristics, origin and destination, verification of state of merchandise, assistance in weighing, conferring the manifest and other correlated services during the loading and unloading of vessels;

IV - fixing of cargo: repair and restore packaging of merchandise during the loading and unloading of vessels, repacking, identification and re-identification, stamping, labeling, unstuffing for checking and subsequent re-stuffing;

V - surveillance of vessels: oversight of the entry and exit of persons onto vessels tied up or anchored offshore, as well as handling of merchandise at ship entrances, ramps, holds, decks, platforms and other locations on the vessels; and

VI –maintenance: the cleaning and maintenance of merchant vessels and their tanks including rust removal, painting, small repairs and correlated services.

§ 2 The hiring of port labor for wharfage, maintenance, stowage, conferring cargo, fixing cargo and surveillance of vessels, for an open-ended period of time, will use only registered temporary port laborers.

§ 3 The port operator for the activities covered in this chapter may not hire or use laborers in accordance with the terms laid down for temporary work by Law n^o 6.019, of January 3, 1974.

§ 4 The categories described in the chapter constitute different professional categories.

Art. 41. The laborers' management body:

I - will organize and maintain a register of port laborers trained to carry out the activities referred to in § 1 of article 40; and

II - will organize and maintain a register of temporary port laborers.

§ 1 Inclusion in the register of port laborers will depend exclusively on the previous professional training of the interested party, which must be carried out in a body recommended by the laborers' management body.

§ 2 Inclusion in the register of temporary port laborers will depend on previous selection and registration in this register as described in item I of the chapter, in accordance with the availability of places and the chronological order of inclusion in the register.

§ 3 The inclusion in the register and the registration of the port laborers are made null and void by death or cancellation.

Art. 42. The selection and registration of temporary port laborers will be made by the temporary port laborers' management body in accordance with the norms laid down in the contract, convention or collective work agreement.

Art. 43. The remuneration, definition of job description, makeup of work shifts, multifunctionality, and other conditions for temporary work, will be the subject of negotiation between the temporary port laborers' representatives and the port operators.

Single paragraph. The negotiation described in the chapter will include a minimum income guarantee in item 2 of article 2 of convention n^o 137 of the International Labor Organization - ILO.

Art. 44. The operators of port installations subject to authorization may hire laborers in an open-ended manner within the terms of the contract, convention or collective work agreement.

Art. 45. (VETOED).

CHAPTER VII

INFRACTIONS AND PENALTIES

Art. 46. An infraction is any action or omission, voluntary or otherwise, which results in:

I - the carrying out of port operations that infringe the terms of this Law or do not respect the regulations of the port;

II - the unjustified refusal, by the laborers' management body, to make laborers available to any port operator; or

III - the use of land, areas, equipment and port facilities, both within and external to the statutory port, for purposes other than those approved or defined in relevant law and regulations.

Single paragraph. Any person or business entity, involved in port operations, who participates in any infraction or is benefited by the same, will respond, either solely or in a group, for that infraction.

Art. 47. Infractions are subject to the following penalties, applied separately or cumulatively, in accordance with the gravity of the infraction:

I - warning;

II - fine;

III – suspension of right of access to the port area for a period between 30 (thirty) and 180 (one-hundred and eighty) days;

IV - suspension of activity as port operator for a period between 30 (thirty) and 180 (one-hundred and eighty) days; or

V - cancellation of credential as port operator.

Single paragraph. Without prejudice to the content of this Law, penalties defined in Law No. 10,233 of June 5, 2001 ([Lei nº 10.233, de 5 de junho de 2001](#)) may also be applied in relation to the infractions defined in article 46 of this Law, either separately or cumulatively according to the gravity of the infraction.

Art. 48. In the situation where 2 (two) or more infractions by the same person or business entity within the same process, have been identified and are not identical, penalties will be applied cumulatively.

§ 1 Different rulings or representations with regard to a continuing infraction will be brought together in one process for the purpose of the application of the penalty.

§ 2 Continuing infractions are those where the fault has not yet been investigated, or is the object of a process where a subpoena has not been issued to the infractor.

Art. 49. Nonpayment of the fine, by the perpetrator of the infraction, within 30 (thirty) days of receipt of the final penalty decision, will result in due legal process.

Art. 50. Sums received as a result of fines applied under this Law will revert to Antaq, as specified in item V of article 77 of Law No. 10,233, of June 5, 2001 ([inciso V do caput do art. 77 da Lei nº 10.233, de 5 de junho de 2001](#)).

Art. 51. Non-attendance of the dispositions of articles 36, 39 and 42 of this Law will subject the guilty party to the application of the fine laid down in item I of article 10 of Law No. 9,719, of November 27, 1998 ([inciso I do art. 10 da Lei nº 9.719, de 27 de novembro de 1998](#)), without prejudice to other possible sanctions.

Art. 52. Non-attendance of the dispositions in this chapter and in § 3 of article 40 of this Law will subject the guilty party to the fine laid down in item III of article 10 of Law No. 9,719, of November 27, 1998 ([inciso III do art. 10 da Lei nº 9.719, de 27 de novembro de 1998](#)), without prejudice to other possible sanctions.

CHAPTER VIII

THE II NATIONAL DREDGING PROGRAM FOR PORTS AND WATERWAYS

Art. 53. The II National Dredging Program for Ports and Waterways is hereby instituted and will be implemented by the Secretariat for Ports of the Presidency of the Republic and by the Ministry of Transportation each in their respective areas.

§ 1^o This program covers, among other activities:

I - the dredging works and civil engineering services required to maintain or expand port and waterway areas, including navigation channels, maneuvering and anchorage basins, shipping berths, the removal of submerged material, the excavation of the sea floor and river bottoms, and the removal of rock formations;

II - the beacon service, including the acquisition, installation, replacement, maintenance and modernization of nautical beacons and equipment required for waterways and to access ports and port terminals;

III - environmental monitoring; and

IV - the management of the works and services.

§ 2^o Within this Program the terms used have the following meanings:

I -dredging: engineering works or services that includes the cleaning, clearing, removal, de-rocking or excavation of material from river, lake, sea, bay and channel bottoms;

II - dredger: specialized equipment coupled to a vessel or fixed platform, mobile or floating, and used for carrying out dredging works and services;

III - dredged material: material dredged up or removed from the bottom of aquatic areas as a result of dredging works and dumped in an area authorized by the competent authority;

IV - dredging company: publicly registered business entity created with the objective of carrying out dredging works and services involving, or not, the use of a vessel; and

V –beaconing: nautical beacons to aid navigation and the transmission of information to navigators with the aim of facilitating safe naval access and traffic.

Art. 54. Output-Based Dredging includes the contracting of engineering works aimed at deepening, widening or expanding port and waterway areas including navigation channels, maneuvering and anchorage basins, as well as beaconing, environmental monitoring and others with the objective of maintaining adequate depth and safety standards as specified in the final project design.

§ 1 A Output-Based Dredging contract may cover more than one port when this is considered to be advantageous by the public administration.

§ 2 Any output-based dredging contract must include a guarantee from the contracted party.

§ 3 The duration of the contracts covered in this article will be for a maximum of 10 (ten) years without possibility of extension.

§ 4 The contracting of works and services within the II National Dredging Program for Ports and Waterways may be carried out using international procurement and may use the Differentiated Regime for Public Works Contracts, covered under Law No. 12,462 of August 4, 2011([Lei nº 12.462, de 4 de agosto de 2011](#)).

§ 5 The public administration may hire companies to manage and audit the works and services contracted under this chapter.

Art. 55. Dredging vessels are subject to specific navigational safety norms established by the maritime authority and are not subject to the terms of Law No. 9,432 of January 8, 1997([Lei nº 9.432, de 8 de janeiro de 1997](#)).

CHAPTER IX

TRANSITORY AND FINAL DISPOSITIONS

Art. 56. (VETOED).

Single paragraph. (VETOED).

Art. 57. The leasing contracts already signed under Law No. 8,630 of February 25, 1993 ([Lei nº 8.630, de 25 de fevereiro de 1993](#)), that include an express provision for extension but that have not been extended, may have such extension anticipated, at the criterion of the concessionary authority.

§ 1 Such an anticipation as mentioned in the chapter will require the express acceptance of the obligation to carry out investments in accordance with a plan prepared by the leaser, and approved by the concessionary authority within 60 (sixty) days.

§ 2 (VETOED).

§ 3 If, at the criterion of the concessionary authority, the anticipation of an extension is not made effective, this decision does not necessarily negate the renewal option in the contract.

§ 4 (VETOED).

§ 5 The Federal Government shall send to Congress, by the last working day of March each year, a detailed report on the implementation of the initiatives taken under this Law, including, as a minimum, the following information:

I - a list of the leasing and concession contracts in force on the 31st December of the previous year, by statutory port, indicating the dates of the contracts, the companies involved, details of the object, area and duration of the contract, and compliance with its clauses;

II - a list of port facilities being operated through authorizations in force on the 31st of December of the previous year, by location, if within or outside of the statutory port, indicating authorization date, authorized company, details of the object, the area and duration of the contract and compliance with the clauses of the terms of adhesion and authorization;

III - a list of the contracts procured during the previous year based on article 56 of this Law, by statutory port, indicating the date of the contract, type of procurement, company contracted, object of the contract, area, duration of the contract and the value of the investments carried out and future investments defined in the leasing and concession contracts;

IV - a list of the authorizations and the leasing contracts adapted during the previous year, based on articles. 58 and 59 of this Law, indicating date of the authorization contract, company contracted, object of the contract, area, duration of contract and the value of investments carried out and future investments defined in the adhesion and authorization documents;

V - a list of port facilities in operation during the previous year based on article 7 of this Law, indicating the company awarded the concession, the company which effectively uses the port facility, the motive and justification why the facility is not being operated by the company awarded the lease or concession, and the duration of such use.

Art. 58. The authorization documents and the adhesion contracts in force shall be adapted to meet the terms of this Law, especially with regard to §§ 1 to 4 of article 8, without the need for calls of interest or selection process.

Single paragraph. Antaq shall make every effort to carry out the adaptation covered in this chapter within one year of the publication of this Law.

Art. 59. The port facilities identified in items I to IV of article 8 and located within the statutory port, will be assured continuity of their activities, once the adaptation described in article 58 is carried out.

Single paragraph. Authorization requests to operate the port facilities identified in items I to IV of article 8, located within the area of the statutory port, and registered at Antaq by December 31, 2012, may be approved by the concessionary authority as long as effective use of the area has been confirmed by that date.

Art. 60. The procurement procedures for contracting dredging works which have been approved and the contracts in vigor on the date of the publication of this Law will continue to be governed by Law nº 11.610, of December 12, 2007.

Art. 61. Until the publication of the regulations covering this Law, the existing rules governing the composition of port authority councils, supervision councils and the executive directorates of management and labor bodies, will continue in vigor.

Art. 62. Noncompliance by concessionaires, lease holders, authorized operators and port operators, in terms of the collection of port taxes and other financial obligations due to the port administration and to Antaq, will result in their inability, after the appeal process has been exhausted, to sign or extend concession or leasing contracts nor obtain new authorizations.

§ 1 An arbiter may be called upon to resolve litigious disagreements with regard to amounts due under the terms of Law No. 9,307, of September 23, 1996([Lei nº 9.307, de 23 de setembro de 1996](#)).

§ 2 The restriction described also applies, directly or indirectly, to controlling companies, to controlled companies, to associated companies, or to a controller associated with a defaulter.

Art. 63. The Dock Companies will follow a simplified regulation when procuring goods and services, respecting the constitutional principles of transparency, exemption, morality, economy and efficiency.

Art. 64. The Dock Companies will agree production and performance targets with the Secretariat for Ports of the Presidency of the Republic, as indicated in the regulations:

- I - objectives, targets to be met, and their duration;
- II - indicators and criteria for the performance evaluation;
- III -bonus for meeting targets
- IV - management training criteria for the Dock Companies.

Art. 65. Activities presently the responsibility of the Ministry of Transportation and of the National Transportation Infrastructure Department - DNIT will be transferred to the Secretariat for Ports of the Presidency of the Republic within both generic and specific laws related to river and lakeside ports, with the exception of small-scale public port installations.

Art. 66. Procurements for the concession of statutory ports and the leasing of port installations shall also take into account: Law No. 12,462 of August 4, 2011; Law No. 8,987 of February 13, 1995, and Law No. 8,666 of June 21, 1993 ([Leis nºs 12.462, de 4 de agosto de 2011, 8.987, de 13 de fevereiro de 1995, e 8.666, de 21 de junho de 1993](#)).

Art. 67. In conjunction with this Law the dispositions regarding the competences and attributions of Antaq specified in Law No. 10,233 of June 5, 2001([Lei nº 10.233, de 5 de junho de 2001](#)), are also applicable.

Art. 68. The polygonal of the statutory port areas that are in disaccord with the content of article 15 shall be adapted within a 1 (one-year) period.

Art. 69. (VETOED).

Art. 70. Article 29 of Law No. 5,025 of June 10, 1966 ([art. 29 da Lei nº 5.025, de 10 de junho de 1966](#)), is hereby altered to read as follows:

“Art. 29. The authorities shall centralize all public services required for the importation and exportation of goods in the statutory ports.

§ 1 The services referred to shall be offered without interruption and shall coincide with the operations of each port, in shifts, including Sundays and holidays.

§ 2 The working hours mentioned in § 1 may be reduced by Federal Government decree without prejudice to national security and port operations.

.....” (NR)

Art. 71. Law No. 10,233 of June 5, 2001([Lei nº 10.233, de 5 de junho de 2001](#)), is hereby altered as follows:

“[Art. 13.](#) Without prejudice to the content of specific legislation, the awards referred to in item I of article 12 will be carried out as:

.....” (NR)

“[Art. 14.](#) Without prejudice to the content of specific legislation the dispositions of article 13 shall be applied using the following guidelines:

.....

[III](#) -depends on authorization:

.....

[c\)](#) the construction and operation of port facilities described in article 8 of the law into which Provisional Measure No. 595, of December 6, 2012 ([Medida Provisória nº 595, de 6 de dezembro de 2012](#);) was converted:

.....

[g\)](#) (revoked);

[h\)](#) (revoked);

.....” (NR)

“Art. 20.

[I](#) – implement in their respective spheres of activity, the policies formulated by the National Council for the Integration of Transportation Policies, by the Ministry of Transportation, and by the Secretariat for Ports of the Presidency of the Republic, in their respective areas of competence, following the principles and guidelines established in this Law;

.....” (NR)

“[Art. 21.](#) the National Land Transportation Agency - ANTT and the National Waterways Transportation Agency - ANTAQ, both agencies of the Federal Government but subject to a specific legal regime, and subordinated, respectively, to the Ministry of Transportation and to the Secretariat for Ports of the Presidency of the Republic, under the terms of this Law.

.....” (NR)

“[Art. 23.](#) The sphere of activities of Antaq:

.....

[II](#) – the statutory ports and port facilities therein located;

[III](#) -the port facilities covered under article 8 of the law into which Provisional Measure nº 595, of December 6, 2012 was converted;

.....

[§ 1º](#) Antaq will coordinate with bodies and entities of the Federal Government to resolve the interfaces between water transportation and other transportation modes, with the view of promoting the most economic and secure intermodal transportation of people and goods.

.....” (NR)

“Art. 27.

[I](#)-promote specific studies on the demand for water transportation and port activities;

.....

III –draw up and present to the Ministry of Transportation a general plan for organizing the granting of permissions to operate water transportation infrastructure and to offer water transportation services;

a) (revoked);

b) (revoked);

.....
VII -revise and readjust port tariffs, communicating any changes to the concessionary authority and to the Ministry of Finance at least 15 working days before they enter into effect;

.....
XIV -define the norms and standards to be met by port administrations, concessionaires, leasers, authorized companies and port operators, under the terms of the law into which Provisional Measure No. 595 of December 6, 2012([Medida Provisória nº 595, de 6 de dezembro de 2012](#)) was converted;

XV -prepare procurement and calls of interest documentation and ensure that the procurements and selection procedures for concessions, leases or authorizations to operate statutory ports or port facilities are carried out, in accordance with the guidelines of the concessionary authority and obeying the terms of the law into which Provisional Measure No. 595 of December 6, 2012 ([Medida Provisória nº 595, de 6 de dezembro de 2012](#)) was converted;

XVI – respect, and see that others respect, the clauses and conditions of the concession contracts for statutory ports and leasing contracts for port facilities with regard to the maintenance and replacement of goods and equipment that will revert to the Federal Government under the terms of item VIII of Article 5 of the law into which Provisional Measure No. 595 of December 6, 2012 ([Medida Provisória nº 595, de 6 de dezembro de 2012](#)) was converted;

.....
XXII -supervise the carrying out of the adhesion contracts for the authorizations for port facilities under the terms of Article 8 of the law into which Provisional Measure No. 595 of December 6, 2012 ([Medida Provisória nº 595, de 6 de dezembro de 2012](#)) was converted;

.....
XXV -sign the documentation granting concessions for the operation of water transportation infrastructure, managing and supervising the respective contracts and other administrative instruments;

XXVI -supervise the carrying out of the contracts for the concession of statutory ports and leasing of port facilities in accordance with the dispositions of the law into which Provisional Measure No. 595 of December 6, 2012 ([Medida Provisória nº 595, de 6 de dezembro de 2012](#)) was converted;

XXVII - (revoked).

§ 1

.....
II – participate, under the coordination of the Federal Government, in international forums; and

.....
§ 3 (revoked).

§ 4 (revoked).” (NR)

“Art. 33. Notwithstanding the dispositions laid out in specific legislation, the authorizations, concessions or permissions granted by ANTT and by Antaq will obey the

dispositions defined in Law No. 8,987 of 13th February, 1995, under Subsections II, III, IV and V of this Section and in complementary regulations published by the agencies.” (NR)

“Art. 34-A.

.....
§ 2 the procurement documentation must indicate, notwithstanding the dispositions of specific legislation:

.....” (NR)

“Art. 35. The concession contract shall faithfully reflect the conditions laid out in both the procurement documentation and the winning bid and will have as essential clauses, notwithstanding the dispositions of specific legislation, those relative to:

.....” (NR)

“Art. 43. The authorization, notwithstanding the dispositions of specific legislation, will be granted following the guidelines established in articles 13 and 14 and have the following characteristics:

.....” (NR)

“Art. 44. The authorization, notwithstanding the dispositions of specific legislation, will be subject to specific regulation and will be granted in such a manner as to indicate:

.....” (NR)

“Art. 51-A. Antaq is attributed the responsibility of supervising the activities carried out by statutory port administrations, port operators, leasers and authorized companies to operate port facilities, under the dispositions laid out in the law into which Provisional Measure No. 595 of December 6, 2012 was converted.

§ 1 within the attribution mentioned, ports which are the subject of specific delegation agreements, signed under the terms of Law No. 9.277, of May 10, 1996, are also included.

§ 2 Antaq will offer to the Minister Transportation and to the Secretariat for Ports of the Presidency of the Republic all the support necessary for the signing of the delegation agreements.” (NR)

“Art. 56.

Single paragraph. It is the responsibility of the Minister of State for Transportation and the Minister of State of the Secretariat for Ports of the Presidency of the Republic, as is the case, to initiate a disciplinary administrative process, and the responsibility of the President of the Republic to determine temporary suspension and, as and when necessary, render judgment.” (NR)

“Art. 67. Decisions by the directorates will be made by majority vote of their members, with the managing director having a casting vote, the results of which shall be registered in the minutes.

Single paragraph. The dates, agendas and minutes of the meetings of the directorates, as well as the documentation presented in these meetings, shall be made public, including over the Internet, as established in the regulations.” (NR)

“Art. 78. ANTT and Antaq will respectively submit to the Ministry of Transportation and to the Secretariat for Ports of the Presidency of the Republic their annual budget proposals, as established in legislation in vigor.

.....” (NR)

“Art. 78-A.

§ 1 when applying the sanctions referred to in this chapter Antaq will respect the dispositions laid out in the law into which Provisional Measure No. 595 of December 6, 2012 (Medida Provisória nº 595, de 6 de dezembro de 2012) was converted.

§ 2 the application of the sanctions indicated in item IV of this chapter, when dealing with the concession of the statutory port or the leasing and authorization of port facilities, will be the responsibility of the concessionary authority acting upon proposal received from Antaq” (NR)

“Art. 81.

III – facilities and transfer and intermodal/interface routes, except those within port areas;

IV - (revoked).” (NR)

“Art. 82.

§ 2 when carrying out of the attributions identified in this article and relative to waterways, DNIT will respect the specific prerogatives of the maritime authority.

.....” (NR)

Art. 72. Law No 10,683 of May 28, 2003 ([Lei nº 10.683, de 28 de maio de 2003](#)), is edited as follows:

“Art. 24-A. the Secretariat for Ports is responsible for advising, directly and immediately, the President of the Republic with regard to the drawing up of policies and guidelines for the development and growth of the port sector and maritime facilities within ports, waterways and lakesides, and especially the implementation and the evaluation of measures, programs and projects aimed at developing the infrastructure and superstructure of ports and maritime, waterway and lakeside port facilities.

.....
§ 2

III – the preparation of general plans for the bestowing of grants;

V –the development of infrastructure and superstructure for the ports and port facilities under its responsibility, with the finality of promoting the safety and efficiency of waterborne cargo and passenger transportation.

.....” (NR)

“Art. 27.

.....
XXII -

a)national policy for rail, road and waterborne transportation;

b) the merchant marine and waterways; and

c)participate in the coordination of airborne transportation;

.....” (NR)

Art. 73. Law No. 9,719 of November 27, 1998 ([Lei nº 9.719, de 27 de novembro de 1998](#)) is edited to include the following article 10-A:

“Art. 10-A. it is guaranteed, as defined in regulations, a monthly benefit of 1 (one) minimum salary to temporary port workers, over 60 (sixty) years of age, who have not met

the requirements for retirement as described in articles 42, 48, 52 and 57 of the Law No. 8,213 of July 24, 1991, and who do not have other means of subsistence.

Single paragraph. The benefits described in this article may not be additional to any other social security benefit of whatever nature, with the exception of medical assistance and any pension arising from indemnification.”

Art. 74. (VETOED).

Art. 75. This Law comes into effect on the date of its publication.

Art. 76. The following are revoked:

I -Law No. 8,630 of february 25, 1993([Lei nº 8.630, de 25 de fevereiro de 1993;](#));

II -Law No. 11,610 of December 12, 2007 ([Lei nº 11.610, de 12 de dezembro de 2007;](#));

III – Article 21 of Law No. 11,314 of July 3, 2006([art. 21 da Lei nº 11.314, de 3 de julho de 2006;](#));

IV –Article 14 of Law No. 11,518 of September 5, 2007([art. 14 da Lei nº 11.518, de 5 de setembro de 2007;](#));

V - the following articles of Law No. 10,233 of June 5, 2001 ([Lei nº 10.233, de 5 de junho de 2001;](#)):

a) paragraphs g and h of item III of article 14([alíneas g e h do inciso III do caput do art. 14;](#));

b) paragraphs a e b of item III of article 27([alíneas a e b do inciso III do caput do art. 27](#));

c) item XXVII of article 27([inciso XXVII do caput do art. 27;](#));

d) sub-sections 3 and 4 of article 27([§§ 3º e 4º do art. 27;](#)) and

e) item IV of article 81([inciso IV do caput do art. 81;](#)) and

VI –article 11 of Law No. 9,719 of November 27, 1998([art. 11 da Lei nº 9.719, de 27 de novembro de 1998;](#)).

Brasília June 05, 2013; 192nd of Independence and 125th of the Republic.

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This text does not substitute the one published in the Official Gazette (DOU) on June 5, 2013 - special edition