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WHITE PAPER  
PORTS IN  
BRAZIL

CESCON BARRIEU



THE LEGAL INTELLIGENCE CENTER

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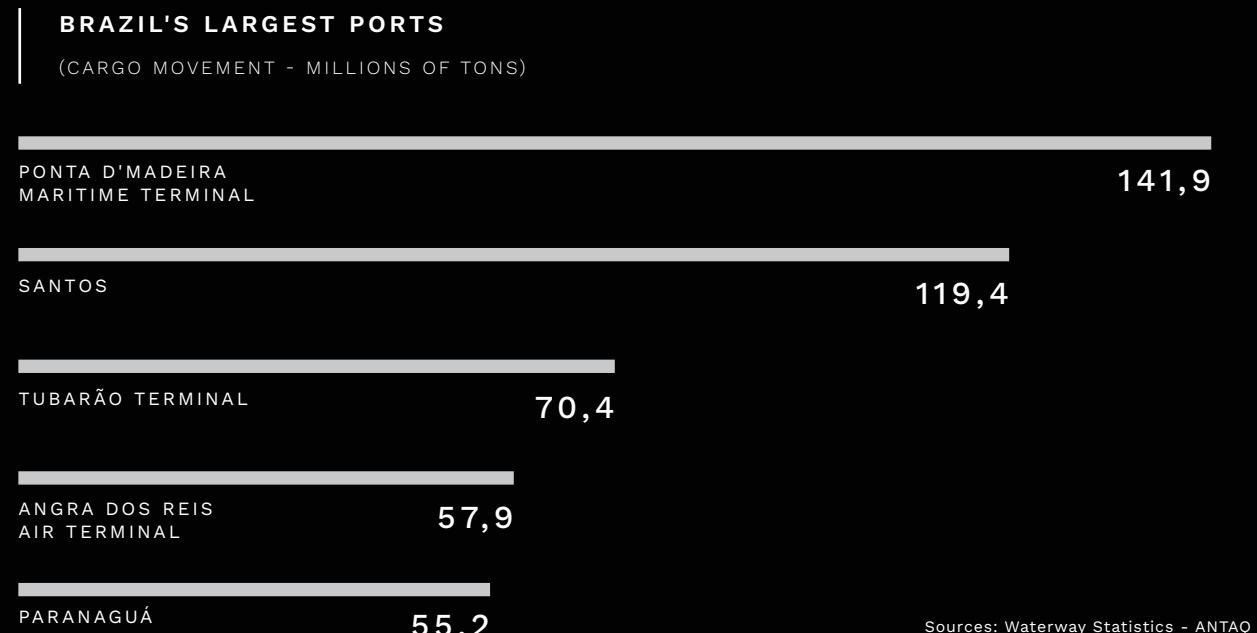
# OVERVIEW SECTOR

## COMPETENCE

The federal government is responsible for the operation of sea, river, and lake ports in Brazil,<sup>1</sup> which it may operate directly or indirectly, by delegating them to the private sector through authorization, concession, or permission.

## THE PORT SECTOR IN NUMBERS

**Port cargo** handling between January and October 2025 totaled **1,159.6 million tons**,<sup>2</sup> which corresponds to a growth of 3.25% over the same period in 2024.



<sup>1</sup>Art. 21, item XII, of the Federal Constitution.

<sup>2</sup>Available at: [Link](#). Accessed on: 12/09/2025.

## MAIN CARGOES HANDLED<sup>3</sup>

CARGO	QUANTITY (JAN-OCT 2025)
IRON ORE	348,2 MILLION TONS
OIL AND DERIVATIVES	183,2 MILLION TONS
SOYBEANS	136,0 MILLION TONS
CONTAINERS	131,1 MILLION TONS
OIL AND DERIVATIVES (EXCLUDING CRUDE OIL)	69,2 MILLION TONS

Sources: Waterway Statistics - ANTAQ

According to the National Ports Secretariat, the sector already accounts for 26% of Brazil's GDP,<sup>4</sup> reaffirming its strategic importance for the country.

## PLANNED INVESTMENTS

The New Growth Acceleration Program ("PAC") estimates investments in the sector in the order of

+R\$ 50  
BILLION BY 2030

<sup>3</sup> Available at: [Link](#). Accessed on: 12/16/2025.

<sup>4</sup> Available at: [Link](#). Accessed on: 12/09/2025.

<sup>5</sup> Available at: [Link](#). Accessed on: 12/09/2025.

# REGULATORY ASPECTS OF THE SECTOR

## MAIN REGULATIONS OF THE SECTOR

The operation of ports and port facilities in Brazil is currently regulated by **Law No. 12,815/2013** and **Decree No. 8,033/2013**.

## MAIN AGENTS



### FEDERAL UNION

Responsible for the direct or indirect operation of ports



### NATIONAL SECRETARIAT OF PORTS AND WATERWAY TRANSPORTATION ("SNPTA")

Linked to the Ministry of Ports and Airports

Responsible **for** formulating and **implementing national policies for the port sector and coordinating international matters related to port infrastructure.**

Responsible for preparing concession and investment plans for the sector, as well as proposing and monitoring actions aimed at developing and improving the services provided in the country's ports.



### NATIONAL WATERWAY TRANSPORT AGENCY ("ANTAQ")

Regulatory agency responsible for supervising and regulating the sector.

Drafts and edits rules and regulations related to the provision of transportation services and the operation of waterway and port infrastructure.

Prepare public notices and call for bids, and promote bidding and selection procedures for the concession, lease, or authorization of the operation of organized ports or port facilities.

## TYPES OF PORT FACILITIES

TUP	Private Use Terminal: port facility <b>located outside the organized port area</b> and operated under authorization granted by ANTAQ.
CARGO TRANSFER STATION	Port facility operated under <b>authorization</b> , located outside the organized port area and used exclusively for <b>the transshipment of goods</b> on inland waterway or coastal vessels.
SMALL-SCALE PUBLIC PORT FACILITY	Port facility operated under <b>authorization</b> , located outside the organized port and used for <b>the movement of passengers or goods on inland waterway vessels</b> .
TOURIST PORT FACILITY	Port facility operated under <b>lease or authorization</b> and used for the embarkation, disembarkation, and transit of passengers, crew, and baggage, as well as supplies for the provisioning and refueling of tourist vessels.
ORGANIZED PORT	<p>Public property built and equipped to meet the needs of navigation, passenger transport, or goods transport and storage, and whose traffic and port operations are under the jurisdiction of a port authority.</p> <p>Area delimited by an act of the Executive Branch.</p>

# FORMS OF EXPLOITATION BY THE PRIVATE SECTOR

## CONCESSION

### CONCEPT

Transfer of the organized port for a fee, with a view to managing and exploiting its infrastructure

### CHARACTERISTICS

Formalized through a concession contract, always preceded by a public tender.

Term of up to 70 years, including all extensions.

At the end of the contract term, the related assets will revert to the Federal Government, as provided for in the contract.

## AUTHORIZATION

### CONCEPT

Granting of the right to operate port facilities located **outside the organized port area**.

### CHARACTERISTICS

Formalized by an adhesion contract.

Term of up to 25 years, extendable for successive periods, provided that: (i) port activity is maintained; and (ii) the licensee promotes investments for the expansion and modernization of port facilities.

Used for the operation of: (i) private terminals; (ii) cargo transfer stations; (iii) small public port facilities; and (iv) tourist port facilities.

## LEASING

### CONCEPT

Transfer of public areas and infrastructure located **within the organized port** for consideration

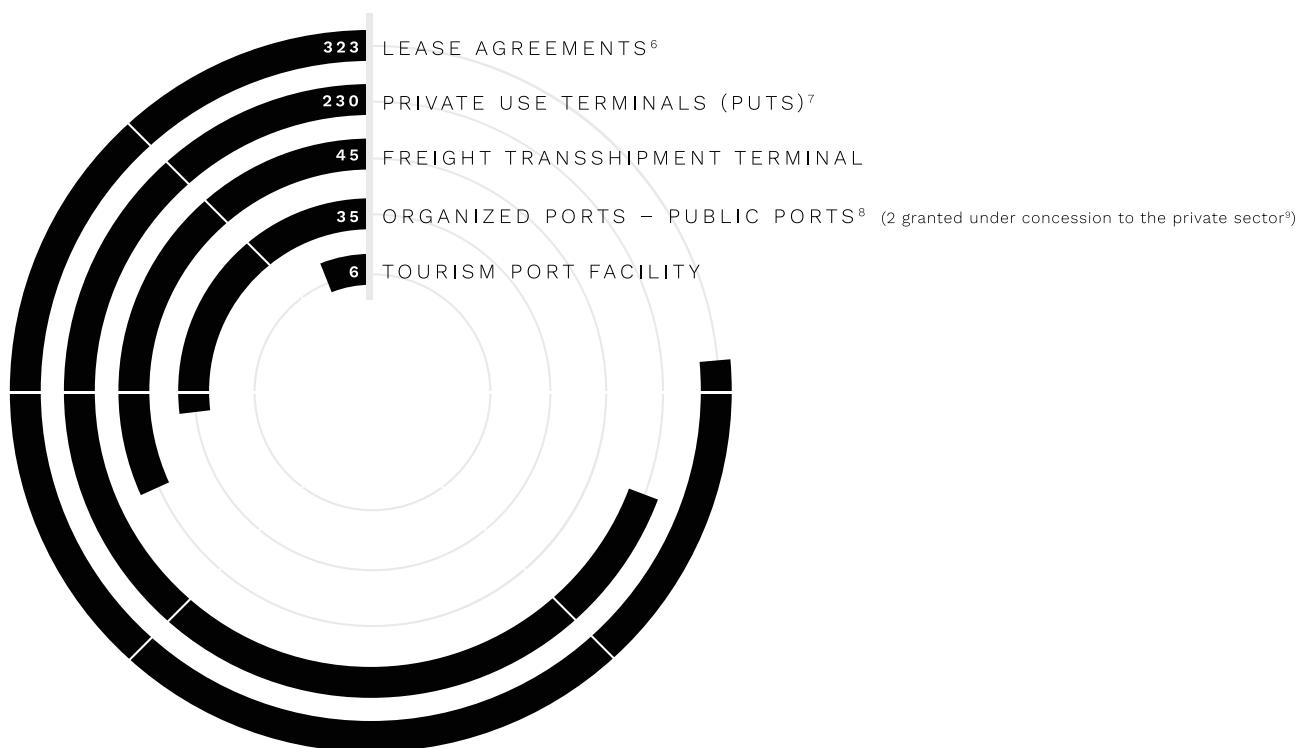
### CHARACTERISTICS

Formalized through a lease agreement, preceded, as a rule, by a bidding process.

Term of up to 35 years, extendable for up to 70 years.

At the end of the contract term, the assets involved will revert to the federal government, as provided for in the contract.

## CURRENT PORT OPERATION STRUCTURE



<sup>6</sup>Available at: [Link](#). Accessed on 12/08/2025.

<sup>7</sup> Available at: [Link](#). Accessed on 12/08/2025.

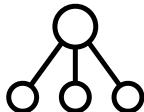
<sup>8</sup> Available at: [Link](#). Accessed on 12/11/2025

<sup>9</sup> Available at: [Link](#) Accessed on 12/16/2025.

# PIPELINE OF PROJECTS WITHIN THE SCOPE OF ORGANIZED PORTS

There are currently 15 (fifteen) projects in the pipeline in Brazil – including those in the study phase and those in the bidding phase (bidding notices published).<sup>10</sup>

The projects are divided into two main categories:



## NEW LEASES 11 PROJECTS

### MCP01

**Location:** Santana/AP

**Status:** Approved by TCU in September

**Cargo profile:** Solid vegetable bulk

**Estimated investment:** R\$ 150,204,000.00

### VDC29

**Location:** Vila do Conde/PA

**Status:** Approved by TCU in May

**Cargo profile:** Solid vegetable bulk

**Estimated investments:** R\$ 908,568,000.00

### IQI16

**Location:** Itaqui/MA

**Status:** Project under review by TCU

**Cargo profile:** Solid Mineral Bulk

**Estimated investments:** R\$ 63,927,317.88

### MUC04

**Location:** Fortaleza/CE

**Status:** Project under review by TCU

**Cargo profile:** Containerized cargo

**Estimated investments:** R\$ 450,763,000.00

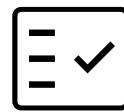
### NAT01

**Location:** Natal/RN

**Status:** Approved by TCU in September

**Cargo profile:** Solid Mineral Bulk

**Estimated investments:** R\$ 55,170,619.94



## NEW CONCESSIONS 4 PROJECTS

### PORTO DE SANTOS

**Project:** Port Concession

**Status:** Bidding notice expected to be published in the fourth quarter of 2026.

**Importance:** The Port of Santos is the second largest port in the country in terms of volume handled.

### WATERWAY ACCESS CHANNEL TO THE PORT OF SANTOS

**Project:** Concession of waterway access to the port of Santos, which is 25 km long.

**Status:** Public consultation scheduled to take place in early 2026.

### PORT OF ITAJAÍ

**Project:** Concession for the operation and administration of the port's waterway access infrastructure.

**Status:** Under review by the TCU (Federal Court of Accounts).

### SALVADOR, ARATU-CANDEIAS, AND ILHÉUS

**Project:** Partial concession of three port complexes, those of Salvador, Aratu-Candeias, and Ilhéus.

**Status:** Under review by the TCU (Federal Court of Accounts).

<sup>10</sup>Available at: ANTAQ and BNDES. Accessed on: 12/09/2025.



## **TMP RECIFE**

**Location:** Recife/PE

**Status:** Project under review by TCU

**Cargo profile:** Passengers

**Estimated investment:** R\$ 2,300,000.00

## **RDJ06A**

**Location:** Rio de Janeiro/RJ

**Status:** Project under review by TCU

**Cargo profile:** Non-flammable liquid bulk

**Estimated investments:** R\$ 24,870,471.00

## **SSZ33E**

**Location:** Santos/SP

**Status:** Project presented in April 2025

**Cargo profile:** General cargo

**Estimated investments:** R\$ 44,385,000.00

## **STS08**

**Location:** Santos/SP

**Status:** Approved by TCU in August

**Cargo profile:** Liquid bulk

**Estimated investments:** R\$ 491,509,000.00

## **TECON SANTOS 10**

**Location:** Santos/SP

**Status:** Project under review by TCU

**Cargo profile:** Bulk Bulk

**Estimated investments:** R\$ 6,454,903,000.00

## **SSZ33E**

**Location:** Santos/SP

**Status:** Project presented in April 2025

**Cargo profile:** General cargo

**Estimated investments:** R\$ 44,385,000.00

# DRAFT BILL TO AMEND THE PORTS LAW

Bill No. 733/2025 is currently being processed in the Chamber of Deputies, which aims to amend Law No. 12,815/2013, which currently regulates the port sector.

Among the changes brought about by the bill, we highlight:



## EXPANDING THE JURISDICTION OF ANTAQ

ANTAQ shall (i) become the granting authority for private ports, (ii) regulate customs port terminals, and (iii) regulate lease agreements, such as changes in area, cargo handled, and unification of agreements.



## CHAMBER OF SELF-REGULATION AND CONFLICT RESOLUTION

Authorizes the creation of a chamber with powers to create private rules applied to relations between actors in the port and waterway sectors and to resolve their conflicts.



## ENVIRONMENTAL LICENSING

Proposes integrated environmental licensing for terminals. According to the bill, environmental licensing of public ports exempts the installation of port and cruise terminals from individual environmental licensing.



## CHANGES IN PORT LABOR RELATIONS

Seeks to make hiring labor to work in ports more flexible.



## GREATER TARIFF FREEDOM

Suggests that the prices charged by lessees and licensees be freely negotiated, under the terms of the Economic Freedom Law.

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# CESCON BARRIEU

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