



WHITEPAPER
PORTS IN
BRAZIL

CESCONBARRIEU



THE LEGAL INTELLIGENCE CENTER

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OVERVIEW

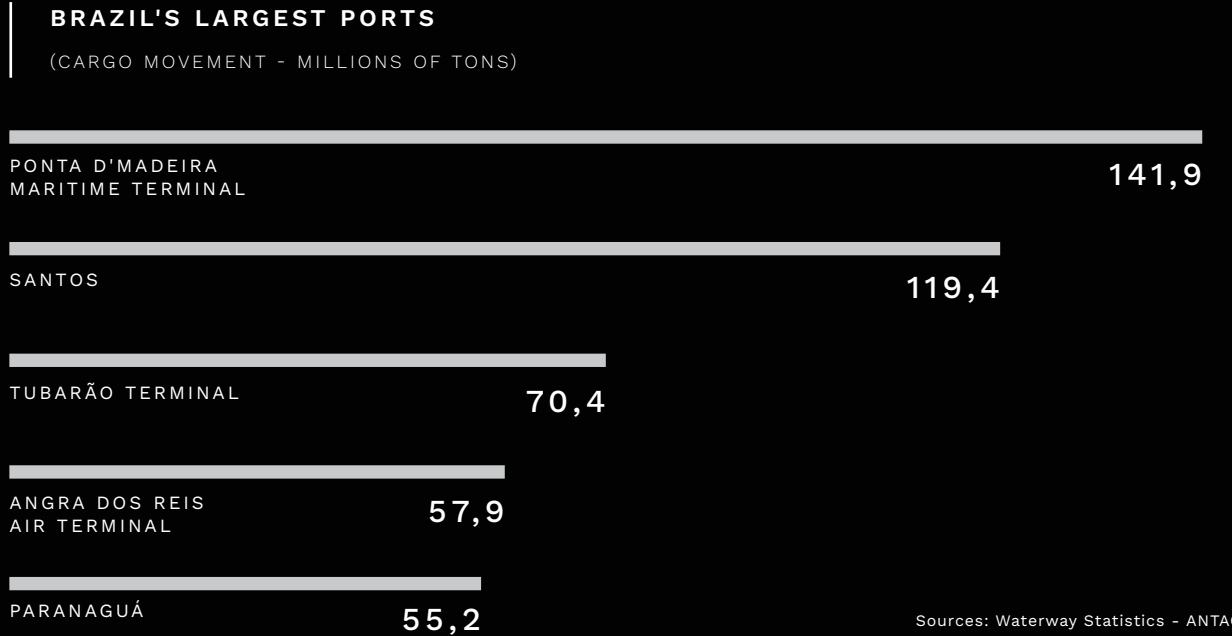
SECTOR

COMPETENCE

The federal government is responsible for the operation of sea, river, and lake ports in Brazil,¹ 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**,² which corresponds to a growth of 3.25% over the same period in 2024.



¹Art. 21, item XII, of the Federal Constitution.
²Available at: [Link](#). Accessed on: 12/09/2025.

MAIN CARGOES HANDLED³

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,⁴ 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

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

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

⁵ 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 **located outside the organized port area** and operated under authorization granted by ANTAQ.

CARGO TRANSFER STATION

Port facility operated under **authorization**, located outside the organized port area and used exclusively for **the transshipment of goods** on inland waterway or coastal vessels.

SMALL-SCALE PUBLIC PORT FACILITY

Port facility operated under **authorization**, located outside the organized port and used for **the movement of passengers or goods on inland waterway vessels**.

TOURIST PORT FACILITY

Port facility operated under **lease or authorization** 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

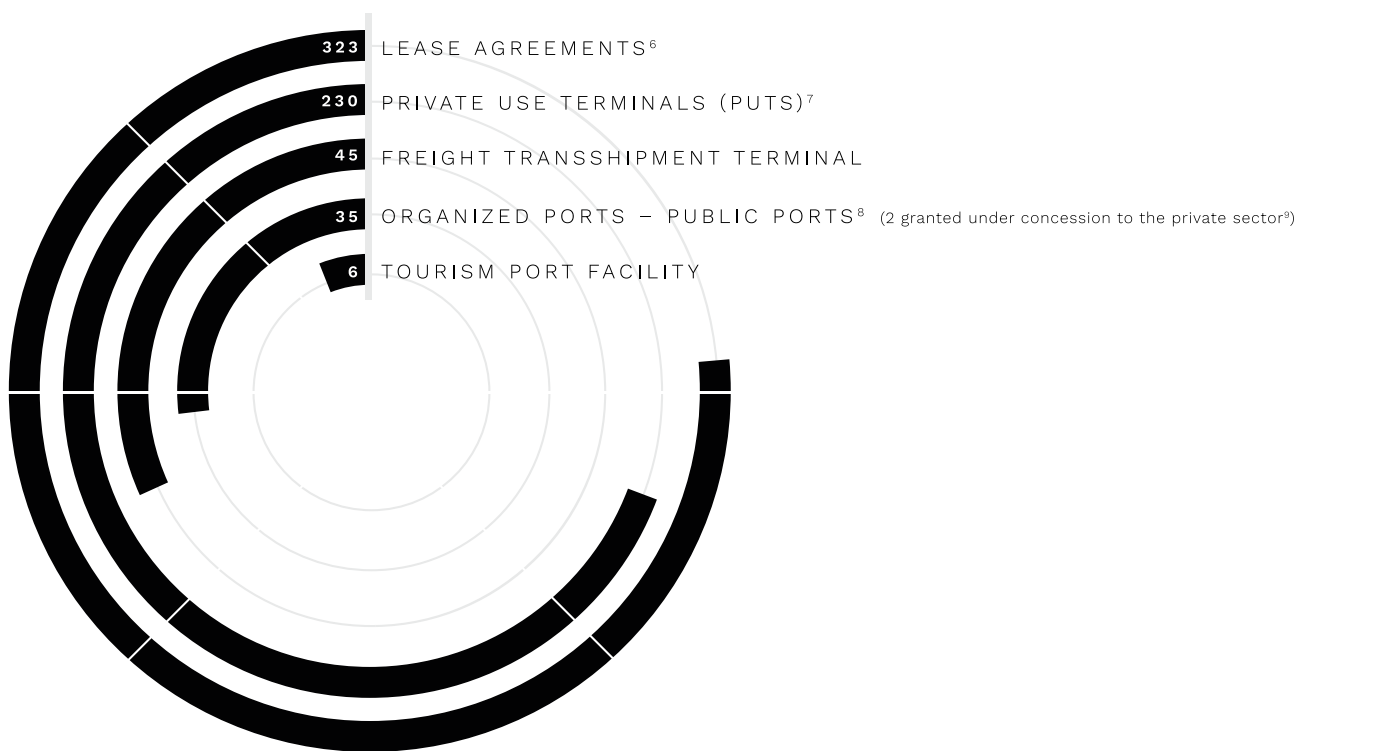
Public property built and equipped to meet the needs of navigation, passenger transport, or goods transport and storage, and whose traffic and port operations are under the jurisdiction of a port authority.

Area delimited by an act of the Executive Branch.

FORMS OF EXPLOITATION BY THE PRIVATE SECTOR

CONCESSION	AUTHORIZATION	LEASING
<p>CONCEPT</p> <p>Transfer of the organized port for a fee, with a view to managing and exploiting its infrastructure</p>	<p>CONCEPT</p> <p>Granting of the right to operate port facilities located outside the organized port area.</p>	<p>CONCEPT</p> <p>Transfer of public areas and infrastructure located within the organized port for consideration</p>
<p>CHARACTERISTICS</p> <p>Formalized through a concession contract, always preceded by a public tender.</p> <p>Term of up to 70 years, including all extensions.</p> <p>At the end of the contract term, the related assets will revert to the Federal Government, as provided for in the contract.</p>	<p>CHARACTERISTICS</p> <p>Formalized by an adhesion contract.</p> <p>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.</p> <p>Used for the operation of: (i) private terminals; (ii) cargo transfer stations; (iii) small public port facilities; and (iv) tourist port facilities.</p>	<p>CHARACTERISTICS</p> <p>Formalized through a lease agreement, preceded, as a rule, by a bidding process.</p> <p>Term of up to 35 years, extendable for up to 70 years.</p> <p>At the end of the contract term, the assets involved will revert to the federal government, as provided for in the contract.</p>

CURRENT PORT OPERATION STRUCTURE



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

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

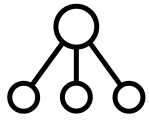
⁸ Available at: [Link](#). Accessed on 12/11/2025

⁹ 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).¹⁰

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

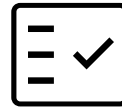
NAT01

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 OF 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).

¹⁰Available 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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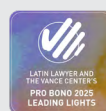
CESCON BARRIEU

We work in an integrated way across all areas of law, always mindful of how each legal decision affects the broader business landscape. We simplify complexity and anticipate risks by combining technology, data, and intelligence.

We are committed to excellence, innovation, and delivering real value to our clients. More than technical expertise, we believe our true difference lies in the intelligent connection of experience, close client relationships, and strategic vision.

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