



Computerized Legislation - LAW N° 14.813, DATED JANUARY 15, 2024 - ORIGINAL PUBLICATION

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Alters Law n° 9.537, dated December 11, 1997, which establishes the waterway safety traffic on waters under national jurisdiction, to grant legal security and regulatory stability to the pilotage services; and alters Law n° 10.233, dated June 5, 2001, which creates the National Waterway Transportation Agency (Antaq).

THE PRESIDENT OF THE REPUBLIC

I hereby make known that the National Congress decrees, and I sanction, the following Law:

Art. 1st This Law alters Law n° 9.537, dated December 11, 1997, which establishes waterway traffic safety on waters under national jurisdiction, to regulate the pilotage service and grant legal security and regulatory stability to the prices of pilotage services, and alters Law n° 10.233, dated June 5, 2001, which creates the National Waterway Transportation Agency (Antaq).

Art. 2nd Law n° 9.537, dated December 11, 1997, shall come into force with the following alterations:

Art.

2nd
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XXII - Pilotage Zone - geographic area demarcated due to local peculiarities that hinder the free and safe movement of vessels, and that require the constitution and permanent availability of pilotage services.

Art.

12.

§ 1st Pilotage service is an essential activity of a private nature whose objective is to ensure the public's interests in navigation safety, the safeguarding of human life and environmental protection.

§ 2nd The pilotage services must be permanently available to provide waterway traffic continuity and efficiency.

§ 3rd the State must ensure the adequate and free provision of pilotage services within the terms of this Law.

Art. 12-A. Pilotage services include the pilot, the pilot boat, and the pilot station.

Single Paragraph. Pilots are responsible for the implementation and maintenance of the infrastructure and equipment necessary to perform the pilotage services, the training of collaborators, and the permanent availability of the infrastructure.

Art. 13. The pilotage services shall be performed exclusively by pilots properly licensed by the maritime authority.

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§ 2nd The maintenance of the pilot's license shall depend on the following:

I - compliance with the minimum requirements of maneuvers established by the maritime authority;

II - attendance in the improvement courses determined by the maritime authority; and

III - compliance with the recommendations and determinations coming



from competent international organizations, as long as acknowledged by the maritime authority.

§ 3rd It is ensured to every pilot, in the form established in the *caput* of this article, the free exercise of the pilotage services, respecting the activity's technical and economic regulation within the terms established herein.

§ 4th The maritime authority may, as long as the requirements established by it in a specific regulation are met, grant exclusively to Brazilian Commanders of vessels flying the Brazilian flag that have no more than 100 m (one hundred meters) in length and whose crew is composed of, at least, 2/3 (two thirds) Brazilians, a Pilotage Exemption Certificate, which shall qualify them to conduct the vessel under their command inside the pilotage zone or part of it, noting that such exemption:

I - does not exonerate the service taker from paying the proper compensation to the local pilotage service for the permanent availability of the service, nor the communication to the coordinating pilot station. about the intended traffic for vessels with gross tonnage starting at 500 (five hundred), except for the hypotheses established in § 6th of this article;

II - shall be preceded by a risk analysis, which proves that the concession shall not increase the risk to navigation or put in danger the port access canals and their adjacent structures;

III - shall consider the need to comply with previous rest periods for the Commander, to be determined and monitored by the maritime authority; and

IV - shall depend, cumulatively or not, on the Commander's compliance with:

a) 6 (six) months of previous experience as the Commander of the vessel inside the specific pilotage zone or subzone for the exemption purpose of the concession;

b) subsequently, 6 (six) months performing pilotage work assisted by the pilot from the respective pilotage zone or its subzone, in a total of no less than 12 (twelve) jobs.



§ 5th In each pilotage zone, the professionals shall provide the service according to an unified roster ratified by the maritime authority, ensuring the frequency of maneuvers that guarantee the proficiency, equanimous distribution, and permanent availability of the pilotage services.

§ 6th The pilotage services shall be mandatory in all pilotage zones for vessels with gross tonnage over 500 (five hundred), except for:

I - the hypotheses foreseen by the maritime authority in a specific regulation, a situation in which the dismissed vessels must communicate the respective maneuvers to the maritime authority agents; and

II - the case of regional vessels, pusher boats, barges, and integrated barge convoys, classified to operate exclusively in inland navigation, regardless of the tonnage, and that hoist the Brazilian flag.

Art.

14.

Single Paragraph. To ensure the service is not interrupted or the impossibility of being interrupted, the maritime authority may:

I - establish the necessary number of pilots for each pilotage zone, according to the specific norm, which must be reviewed periodically to meet the needs of the maritime, fluvial, and lacustrine traffic in the respective zone and the maintenance of the qualification of pilots;

II - establish, in an exceptional and temporary character, the value of the services in each pilotage zone;

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..... (NR)

Art. 15-A. The compensation for the pilotage services includes the operation of the pilot, the pilot boat and the pilot station.

§ 1st In case the rotation of pilots becomes necessary, they shall be lodged within the same conditions as the ship officers, preferably in individual and independent cabins that ensure thermal comfort and effective conditions for their satisfactory rest, and the ship Commander shall be responsible for ensuring the adequacy of the facilities.



§ 2nd In the ordinary rite, the price of the service shall be freely negotiated between the service takers and providers, restraining any economic abuse practice.

§ 3rd The maritime authority, upon well-based provocation of any of the contracting parties, may determine, in an extraordinary, exceptional, and temporary character, the price for the pilotage services for no more than 12 (twelve) months, extendable for an equal period within the following hypotheses:

I - for compliance with what is established in subitem II, Single Paragraph, art. 14 of this Law; or

II - whenever the abuse of economic power is proven or if there is a discrepancy in the pilotage services value.

§ 4th The maritime authority shall perform a judgment of admissibility, through a well-based decision, regarding the provocation pertaining to the abuse of economic power by any of the parties or discrepancy of the pilotage services values.

§ 5th Once the provocation referred to in § 4th of this article is known, the maritime authority shall form and preside a temporary, joint commission with an advisory character, composed of representatives of the entity providing the pilotage services, the shipowner that hired the pilotage services for the respective zone and the National Waterway Transportation Agency (Antaq), which shall have 45 (forty-five) days to issue an advisory report.

§ 6th The economic regulation by the maritime authority shall respect free negotiations and may consider annual monetary correction over the prices customarily practiced in each pilotage zone, the contracts in force, and the time and quality of the service.

Art. 15-B. The instructions on the directions and speeds, in consultation to the vessel Commander, shall be transmitted exclusively by pilots to the Commanders whenever their vessels are navigating in the pilotage zones.

Art. 15-C. The maritime authority shall determine, according to the periodicity established in a specific norm, the number of pilots necessary



in each pilotage zone, observing the following parameters:

I - the number and average duration of the maneuvers in which the pilotage services were used in each pilotage zone, in the 24 (twenty-four) months prior to the determination;

II - the significant and effective alterations that affect the movement of the vessels in the pilotage zone;

III - the need to ensure to the pilots from each pilotage zone the execution of maneuvers without permanent work overload; and

IV - the establishment of the adequate frequency of maneuvers to ensure the maintenance of the uniform proficiency of all pilots in each pilotage zone.

Art. 3rd The *caput* of art. 27 of Law n° 10.233, dated June 5, 2001, shall henceforth be in force with the addition of subparagraph XXXI:

Art.
27.
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XXXI - participate in the commission referred to in § 5th, art. 15-A of Law n° 9.537, dated December 11, 1997.
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..... (NR)

Art. 4th § 2nd and art. 24 of Law n° 9.537, dated December 11, 1997, are hereby revoked.

Art. 5th This Law shall come into force on the date of its publication.

Brasília, January 15, 2024.

LUIZ INÁCIO LULA DA SILVA
Silvio Serafim Costa Filho



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I vouch and certify that the above transcript is a true and faithful translation of the original document presented to me.

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