

# GLOBALPANDI

## *Circular for P & I Clubs*

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*Correspondents for:*

*North of England P&I Club, The Steamship Mutual P&I Club, The American Club, The London Club, Nordisk Defence Club (Through Sabatino Pizzolante), British Marine Managers, Charterers P&I Club, Through Transport Club (TTC), ITIC, Raets Club and Navigators.*

### *Recentralization of Commercial Ports at Venezuela*

On 17<sup>th</sup> March 2009 amendments to the Law of Decentralization, Delimitation and Transference of Competences of National Public Powers, as well as to the General Law on Ports were published in the Official Gazette No. 39,140. The said amendments aimed to enhance the powers of the National Executive to: 1. Revert the control over regional public ports such as Puerto Cabello, Maracaibo and Guamache, among others, to the central government for strategic reasons, merits, opportunity or convenience; and, 2. Intervene the port assets and services in order to guarantee the quality of services and to safeguard the constitutional rights.

Consequently, pursuant to the above amended laws the National Assembly agreed to revert the port infrastructure of the port of Puerto Cabello (Carabobo State), Maracaibo (Zulia State) and Guamache (Nueva Esparta State) reversion process published in the Official Gazette No. 39,143 dated 20<sup>th</sup> March 2009. The National Assembly also agreed on the reversion of the port of La Guaira (Vargas State) as published in the Official Gazette No. 39,196 dated 9<sup>th</sup> June 2009. Note that the public ports of Guanta and Guaranao still remain under the control of the regional states of Anzoategui and Falcon respectively.

The National Executive now controlling the reverted public ports of Puerto Cabello, Maracaibo, Guamache and La Guaira has established a national company called Bolivariana de Puertos, S.A. (Ascribed to the Ministry of Public Works and Housing) in charge of the administration, development, maintenance and conservation of these public ports, whose organizational structure is found in the Official Gazette No. 38,146 dated 25<sup>th</sup> March 2009.

As part of the reversion process, regional port authorities have been replaced by Commissions of Reversion at the ports of Puerto Cabello, Maracaibo and Guamache, although port operations are still in the hands of the private port operators with little variation with the exception of Maracaibo where Bolivariana de

Puertos, S.A. has taken complete control of warehouses, container yards and silos within the port area, until then under the control of private port operators. Nevertheless, stevedoring services remain in the hands of private companies.

It is not clear yet whether port operations (stevedoring and storage) will be taken over by the new central port authority in the rest of the public ports, and to what extent these operations may be affected in future.

Bolivariana de Puertos, S.A. has not disclosed the new scheme to be implemented, but no doubt this will have impact of the reception and delivery of cargoes, for which reason close monitoring of developments are recommended through local ship agents.

**Should you need any assistance or further information regarding the topic stated above, please feel free to contact:**

**GLOBALPANDI, S.A.**

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