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Circular for P & I Clubs

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Correspondents for:

Britannia, British Marine, Charterers P&I Club, GARD, ITIC, Navigators, Nordisk Defence Club (Through Sabatino Pizzolante), North of England P&I Club, Raets Club, Shipowners P&I Club, Skuld, South of England, Steamship Mutual, The American Club, The London P&I Club, West of England and Through Transport Club (TTC).

New Port Dues at Venezuelan Ports

A new Law on Port Dues (The Law) was published in Official Gazette N° 6,025 of 25th May 2011, below the most relevant aspects of it are set out for consideration of the shipping community:

1.- The Law set up tariffs to be charged by Bolivariana de Puertos S.A. (BOLIPUERTOS) in its capacity as port administrator of the Ports for Public Use, i.e. Those ports re-centralized by the central government in the year 2009, namely: La Guaira, Puerto Cabello, Maracaibo, Guanta and La Ceiba.

2.- The port dues set up by The Law referred to are similar to those prescribed in article 56 of the General Law on Ports, not different generally speaking from those prescribed by the regional port tariffs now repealed by the first one, among them, arrival (replacing anchorage and channel transit), berthing, embarking and disembarking, wharfage, deposit, warehousing, parking of vehicles and machinery and registration.

3.- Article 8 of The Law prescribes as an income for the port administrator or BOLIPUERTOS those charges mentioned in article 56 of the General Law on Ports, stating in article 9 that the owner, the captain of the vessel or their shipping agent are jointly liable for the payment of the arrival, berthing, embarking and disembarking dues, in similar way to that provided in derogated tariffs.

4.- In respect of the applicable exchange rate for payment of tariffs, this represents an increase of 100% since following unification of rate early this year from Bs. 2.60 to Bs. 4.30/USD, BOLIPUERTOS continued to using

the exchange rate of Bs. 2.60/USD for converting the port tariffs. Article 10 of The Law makes it clear that the applicable rate to be used is the official rate as established by the Central Bank, for which reason it is expected that port tariffs will be worked out at Bs. 4.30 with the subsequent increase.

5.- Article 17 of The Law maintains rebates of 10% for rates charged to Venezuelan flagged vessels as provided in the General Law on Ports for arrival and berthing dues paid by those vessels that perform international transportation and 50% rebate for those performing cabotage transportation.

6.- It is our understanding that article 20 of The Law prescribes the tariffs applied to wharfage to cargo not considered as “dangerous”, although the chart inserted there identifies the same as referred to this sort of cargo, which is rightly dealt with in article 21. Mistake in article 20 will have to be amended in a future publication.

7.- It is of interest to point out that as per article 27 of The Law, transshipment operations are also subject to the payment of wharfage and deposit dues as import or export cargoes, eliminating the rebate of 40% or so applied to the wharfage, formerly prescribed by many of the regional port tariffs.

8.- In case of difference between the manifested cargo to the port administrator and that effectively discharged or loaded, a sanction equivalent to 5 Tributary Units (Currently USD 88.37) per each ton or container.

9.- In respect of its entering into force, The Law states that this will take place 30 continuous days following its publication in Official Gazette, i.e. 26th June 2011.

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

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