

## SHIPPING

October, 2013

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**Brazil** - contributed by **Kincaid | Mendes Vianna Advogados**

### [ANTAQ launches tender for port areas in Santos and Para](#)

During a recent public hearing, the National Agency for Water Transportation announced the draft notices and lease agreements for the upcoming tender relating to the exploration of port areas and the development of infrastructure in a number of organised ports. The choice of winning bidder will be based on the contractor with the greatest handling capacity and the lowest rate for each service package.

Author: [Godofredo Mendes Vianna](#)

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**Brazil** - contributed by **Kincaid | Mendes Vianna Advogados**

### [ANTAQ issues resolution on inspection of port facilities](#)

The National Agency for Waterway Transportation recently published a new resolution that sets forth provisions for the inspection of port services and details administrative infractions. The resolution applies to the administration of organised ports, leaseholders of port areas and facilities, port operators and holders of port facility authorisations. It also sets forth the obligations with which such parties must comply.

Author: [Godofredo Mendes Vianna](#)

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**Finland** - contributed by **Hammarström Puhakka Partners, Attorneys Ltd**

### [Is maritime declaration compulsory for foreign vessels?](#)

Pursuant to the Maritime Code, maritime safety authorities can request a master on a foreign flagged vessel to give a maritime declaration, but the effect of this request can be challenged. It is unclear if the criminalisation stipulation in case of failure concerns a master on a foreign flagged vessel and if the authorities have the right to detain the vessel in order to encourage the master to give the maritime declaration.

Authors: [Matti Komonen](#), [Herman Ljungberg](#)

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4	<p><b>Finland</b> - contributed by <b>Hammarström Puhakka Partners, Attorneys Ltd</b></p> <p><b><u><a href="#">Ports and port operations in revision</a></u></b></p> <p>Amendments to the Municipal Act and other reforms are set to change the ownership structures of ports, with the aim of enhancing competition within and between ports. Under the new regime, a municipality must establish a corporation for all of its activities when it acts in competitive markets. Meanwhile, the much-debated fairway dues are also subject to possible revision.</p> <p>Authors: <b><u><a href="#">Matti Komonen</a></u></b>, <b><u><a href="#">Herman Ljungberg</a></u></b></p> <p><b>Read more</b> <a href="http://www.internationallawoffice.com/?i=55592&amp;l=7K3QW4T">http://www.internationallawoffice.com/?i=55592&amp;l=7K3QW4T</a></p>
5	<p><b>USA</b> - contributed by <b>Fowler Rodriguez</b></p> <p><b><u><a href="#">Is vessel that allides with stationary object presumed to be at fault?</a></u></b></p> <p>The Oregon rule states that when a moving vessel allides with a stationary object in the water, the moving vessel is presumed at fault and must prove otherwise. A recent district court opinion provides useful guidance on navigating the troubled waters created by the presumptions in maritime law.</p> <p>Author: <b><u><a href="#">Philip C Brickman</a></u></b></p> <p><b>Read more</b> <a href="http://www.internationallawoffice.com/?i=55592&amp;l=7K3QW5V">http://www.internationallawoffice.com/?i=55592&amp;l=7K3QW5V</a></p>
6	<p><b>Norway</b> - contributed by <b>Wikborg Rein</b></p> <p><b><u><a href="#">Taxation of shipping operations</a></u></b></p> <p>A non-resident company that participates in business being carried out in, or managed from, Norway will be liable to pay tax. However, an exemption to this rule exists. The exemption results in non-Norwegian shipowners not being liable to tax in Norway on shipping income – even if the shipping business is managed from Norway – provided that certain conditions are met.</p> <p>Authors: <b><u><a href="#">Are Zachariassen</a></u></b>, <b><u><a href="#">Linda Asli</a></u></b></p> <p><b>Read more</b> <a href="http://www.internationallawoffice.com/?i=55592&amp;l=7L6909F">http://www.internationallawoffice.com/?i=55592&amp;l=7L6909F</a></p>