



ORGANIZATION OF AMERICAN STATES
Inter-American Council for Integral Development
Inter-American Committee on Ports



**VIII MEETING OF THE
INTER-AMERICAN
COMMITTEE ON PORTS (CIP)**
September 10-13, 2013
Cartagena, Colombia

OEA/Ser.W/XIII.4.8
CIDI/CIP/doc.12/13¹
20 September 2013
Original: Spanish

ACTIVITY REPORT OF THE TECHNICAL ADVISORY GROUP (TAG)
ON PUBLIC POLICIES, LEGISLATION, AND REGULATION

Activity Report from March 2012 to July 2013

(Document presented by the Delegation of Uruguay)

¹ This document was considered by the CIP as document CECIP/doc 9/13

TECHNICAL ADVISORY GROUP (TAG) ON PUBLIC POLICIES,
LEGISLATION AND REGULATION

Activity Report from March 2012 to July 2013

- I. Members: Chair: Uruguay; Member States: Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, Peru, and the Bolivarian Republic of Venezuela.

This report is a brief, descriptive summary of the tasks completed, supplemented by information gathered during exchanges that took place with the distinguished delegations of the participating States.

- II. 2012 / 2013 Work Plan and activities conducted: As a result of what was agreed upon at the meeting held in Lima, Peru, it was decided that the following points would be addressed in the work plan for this period:

1. Conduct a survey among all member states in order to understand about which of the topics inherent to this Group there is interest in having information regarding the differing realities of member states.

As a tentative guide, without prejudice to what is expressed by the States, the following points are noted:

- a. Characteristics of the port model adopted
- b. Property of ports and infrastructures
- c. Mechanisms for developing infrastructures (concession, public works, joint ventures, etc.)
- d. Ways of providing port services
- e. Role of the State and/or Port Authorities
- f. Regulation of city/port relations
- g. Systems for public/private participation in ports

2. Report and monitor those International Maritime Organization (IMO) and International Labor Organization (ILO) international agreements ratified by member states during the period. (Ongoing)
3. Compile legal provisions enacted by each State during the period, with special attention to modifications in regulations regarding port activity. (Ongoing)
4. Gather information on instruments and procedures for calling tenders and/or bids to provide port infrastructure services. (Public procurement procedures)
5. Gather information regarding legislation that provides for preventive measures to protect the environment which are required as a prior condition for any port infrastructure project. (In coordination with the TAG on Sustainable Port Management and Environmental Protection)
6. Gather information on training offered in the member states regarding topics that are under the purview of the TAG.
7. Prepare an informative document geared toward the general public that includes the TAG objectives, accomplishments, and Work Plan.
8. Implement a database that enables access to any information gathered through CIPNet.

CONSIDERATIONS WITH RESPECT TO COMPLETED TASKS

1. In the framework of the meetings held either by teleconference or videoconference, as well as in person in Washington in November 2012, the TAG chair sent to the TAG member states a thematic proposal for purposes of having a minimum content that could then be presented to all member states.
2. With the invaluable support of the CIP/OAS Secretariat, the proposal was distributed, and after consideration of all contributions received, consisted of the following points.
 - a. Characteristics of the port management model adopted (private, public, joint / port ownership, operator, joint / centralized, decentralized / local authorities / autonomous entities, etc.)
 - b. Regulation of city/port relations
 - c. System and alternatives for public—private partnerships (PPP)
 - d. Jurisdiction over port adaptation and authorization
 - e. Role of the State and/or Port Authorities
 - f. State oversight mechanisms
 - g. Competition regulation
 - h. Financing models
 - i. Legal and technical involvement of the Navy in commercial port issues.
3. Finally, responses were received from 12 member states, providing high-quality technical information and extremely relevant contributions for understanding port realities.

The following table, prepared by the CIP/OAS Secretariat, duly shows the member states that responded to the survey.

Table: Follow-up on Responses to the Survey-Questionnaire of the CIP Technical Advisory Group (TAG) on Public Policies, Legislation and Regulation

No.	Country	Presentation of the Survey by Uruguay	Confirmation of Receipt of Survey	Responded to Survey
1	Argentina	May 2	YES	YES
2	Brazil	May 2	YES	YES
3	Colombia	May 2	YES	YES
4	Dominica	May 2	YES	YES
5	Ecuador	May 2	YES	YES
6	Honduras	May 2	YES	YES
7	Mexico	May 2	YES	YES
8	Panama	May 2	YES	YES
9	Peru	May 2	YES	YES
10	Saint Vincent and the Grenadines	May 2	YES	YES
11	Uruguay	May 2	YES	YES
12	Venezuela	May 2	YES	YES

4. Likewise, in addition to the foregoing, it was considered appropriate to collect information on reference sources for matters under the purview of this TAG. The following list of web pages was prepared based on the responses received, which supplement data obtained previously:

- Argentina: www.sspyvn.gov.ar
www.sspyvn.gov.ar/ley_portuaria.html
- Colombia:: www.mintransporte.gov.co
www.supertransporte.gov.co
- Dominica: www.dominica-registry.com
- Ecuador: www.mtop.gov.ec
- Honduras: www.enp.hn
- Mexico: <http://cgpmm.sct.gob.mx> ; <http://e-mar.sct.gob.mx>
- Panama: www.amp.gob.pa
- Peru: www.apn.gob.pe
www.mtc.gob.pe

www.proinversion.gob.pe

www.dicapi.mil.pe

www.ositran.gob.pe

- United States: www.marad.dot.gov
- Uruguay: www.anp.com.uy
www.parlamento.gub.uy
- Venezuela: www.inea.gob.ve

5. The task of implementing a database that enables access to any information gathered through the INTERNET is unfortunately still pending completion. Nevertheless, we should underscore the importance this kind of database could have for all countries.

RESULTS OF THE SURVEY ON PORT-RELATED TOPICS

The CIP portal link <http://www.oas.org/cip/proximasreuniones.html> makes the results available to all delegations of the CIP member states. This link contains the transcribed responses of the 12 member states in keeping with the information obtained. It is noted that an effort was made to keeping the original form and structure.

III. 2014 and 2015 Draft Work Plan:

1. Continue with the pre-survey mechanism among participants in order for them to express topics of interest regarding the realities of each State. This allows relevant topics to be defined in order to then request information from the CIP/OAS member states. This task shall include a schedule that establishes the different steps to be completed, such as: (a) surveying topics of interest; (b) defining the topics selected by the majority of States; (c) preparing the survey; and (d) collecting responses.

2. Update reporting and monitoring of those IMO and ILO international agreements that States are approving or analyzing, as well as those that have been ratified.

3. Request information regarding the main port infrastructures being planned or executed by the States, with an indication of sources of financing.

4. Survey the bibliographic material regarding topics under the purview of the TAG that warrant dissemination among the member states because of their technical or scientific value.

5. Propose the preparation of a thematic index with contributions from all States in order to draft a proposal about what the content of a model port law should be.

6. Go forward with implementation of a database that enables access to information gathered through the Internet.