



MINISTRY OF ECONOMY

UNDERSECRETARIAT OF PORTS AND WATERWAYS

Provision 23/2024

DI-2024-23-APN-SSPYVN#MEC

City of Buenos Aires, October 3rd, 2024

IN VIEW OF File EX-2024-83909151- -APN-ST#MEC, the MARPOL Convention of 1973/1978, Laws 18398, 22190 and 24292, Decrees 2532 on December 13th, 1993; 962 on August 14th, 1998; 50 on December 19th, 2019 and its amendments and 427 on June 30th, 2021; Resolution 515 on July 30th, 2022 from the former Ministry of Transport, Joint Signature Provision 42 on October 21st, 2022 of the Argentine Coastguard, ordinances 8 on November 13th, 1998 and 5 on August 24th, 1999 of the Argentine Coastguard, and

CONSIDERING:

That the General Law of the Argentine Coastguard 18398, in its Section 5, subsection a), sub-subsection 23), establishes that it is the institution's function "to understand on issues related to the regulations adopted to prohibit the pollution of river, lake, and sea waters by hydrocarbons or other harmful or dangerous substances and to verify their compliance."

That Law 22190 establishes the regime for the prevention and monitoring of pollution of waters and other elements of the environment by pollutants originating from vessels and naval devices, assigning both the Argentine Coastguard and the General Ports Administration the responsibility for executing measures to fight pollution and for cleaning waters within national jurisdiction, according to their competencies.

That Decree 2532 on December 13th, 1993, declares as a matter of national interest the tasks of prevention, control, and treatment of oil spills, as well as all actions aimed at preserving the aquatic environment.

That by Decree 962 on August 14th, 1998, the National System for the Preparedness and Fight against Coastal, Sea, River, and Lake Pollution by Hydrocarbons and other Harmful and Potentially Dangerous Substances is established, with its administration assigned to the Argentine Coastguard, which also serves as the Enforcement Authority of the International Convention on Cooperation, Preparedness and Fight against Pollution by Hydrocarbons, 1990, passed by Law 24292.



That, based on the above, the Argentine Coastguard, through its Ordinance 8 on November 13th, 1998 (DPAM) - Volume 6 - has approved the National Contingency Plan (PLANACON), as well as the schedule for the submission of contributing emergency plans, which is established in Appendix 2 of the aforementioned Regulatory Rule.

That Ordinance 5 on August 24th, 1999 (DPMA) of the Argentine Coastguard -Regime for Environmental Protection- establishes that companies providing services to third parties, dedicated to the control of oil spills and other harmful and potentially dangerous substances, must be registered in the Registry that operates within the Directorate of Navigation Safety Police of the Argentine Coastguard.

That, by Decree 427 on June 30th, 2021, “[...] the concession for the operation of the maintenance of the signing system and dredging and re-dredging tasks, along with the corresponding hydrological control of the Main Waterway from kilometer 1238 of the PARANÁ RIVER, a point known as Confluencia, to the Natural Deep Water Zone in the exterior RIVER PLATE, was granted to the GENERAL PORTS ADMINISTRATION STATE COMPANY, in accordance with the provisions of Law No. 17520 and Section 3° of this decree”, and on September 2nd, 2021, the agreement between the National State and the aforementioned General Ports Administration State Company was signed, through which the concession granted by the aforementioned decree was formalized.

That, by Resolution 515 on July 30th, 2022, from the former Ministry of Transport, it was extended “[...] under the terms of subsection a) of Section 3° of Decree No. 427 on June 30th, 2021, the Concession Agreement signed with the GENERAL PORTS ADMINISTRATION STATE COMPANY (IF-2021-82156590-APN-MTR), dated September 2nd, 2021, related to the operation for the maintenance of the signing system and dredging and re-dredging tasks, along with the corresponding hydrological control of the Main Waterway from kilometer 1238 of the PARANÁ RIVER, a point known as Confluencia, to the Natural Deep Water Zone in the exterior RIVER PLATE, from September 11th, 2022, the expiration date of the current term, until the service shall be taken over by the successful bidder or bidders of the tender entrusted by Decree No. 949 on November 26th, 2020.”

That by Provision 42 on October 21st, 2022, from the Argentine Coastguard, the approval, on a provisional basis, of the Emergency Plan for Companies in Charge of Hydrocarbon Handling Facilities, other Harmful, Dangerous, Potentially Dangerous, and Harmful Substances, designed and implemented by the Management of Safety and Risk Prevention of the General Ports Administration State Company, prepared for the Main Waterway, is extended until October 14th, 2027, or until the expiration of the concession agreement entered into between the then Ministry of Transport of the Nation and the General Ports Administration State Company.

That, in its capacity as the concessionaire of the aforementioned agreement, it is the responsibility of the General Ports Administration State Company to adopt all measures within its reach to ensure that the operation of the Main Waterway shall be compatible with the normal development of community life, with the right to a healthy, balanced environment suitable for sustainable development.



That, furthermore, it is the responsibility of the General Ports Administration State Company to ensure compliance with national and international provisions related to water pollution, navigation safety, and national defense, following the regulations issued by that Maritime Authority, anticipating an adequate and efficient response that shall allow for immediate execution of all necessary tasks in case such contingencies shall endanger or hinder normal and safe navigation in the Main Waterway.

That the General Ports Administration State Company has the technical knowledge and the necessary financial and human resources to effectively oversee compliance with the provisions of this administrative act.

That both the maritime and river as well as lake areas of Argentina hold significant ecological importance, offering a wide variety of habitats for plant and animal communities, sheltering a great diversity of species, as well as commercial or recreational fisheries and areas with aesthetic qualities or activities oriented towards tourism.

That both lakes and river waterways are sources of water supply for human consumption for numerous cities located along their shores.

That, ultimately, it is necessary to prevent potential environmental damage from spills or contamination incidents on the port water surface, by establishing specific and preventive regulations that shall complement the preventive measures outlined in the aforementioned Contingency Plan and that shall fully involve the various parties involved in the activity in question.

That, for the purposes of this provision, the definitions established by Section 1.3 of Maritime Ordinance 8/98 of the Argentine Coastguard shall be adopted, which defines hydrocarbons as "...oil in all its forms, including crude oil, fuel oil, sludges, petroleum residues, and refined products, and without limiting the generality of the preceding enumeration, the substances listed both in Appendix I of Annex I of the MARPOL 73/78 Convention and in the list of Section 801.0101, subsection h.1., of REGINAVE"; and pollutants as "...any substance which introduction into the aquatic environment may pose risks to human health, damage flora, fauna, and living resources of the environment, diminish its recreational benefits, or hinder legitimate uses of waters."

That, likewise, the definitions of dangerous substances shall be taken from Maritime Ordinance 8/98 of the Argentine Coastguard, from the list in Appendix I of Annex I of the MARPOL 73/78 Convention, and from the list in Section 801.0101, subsection h.1., of REGINAVE.

That, in this regard, the Undersecretariat of Ports and Waterways, under the Secretariat of Transport of the Ministry of Economy, states that "it is necessary for Shipowners and/or Shipping Agents of all vessels and/or convoys of barges, of any type and cargo, navigating in the Main Waterway, to have an OSRO COVERAGE CERTIFICATE issued by a national company duly authorized by the Argentine Coastguard in Maritime Category A.1, in full accordance with the regulations established by Ordinance 5/99, and that they must act in the event of a pollution incident involving them" (cf.





IF-2024-84539621-APN-SSPYVN#MEC

That, in the event of a failure to demonstrate the existence of the coverage certificate required by this measure, it is deemed appropriate to instruct the General Ports Administration State Company to contract the corresponding certificate on behalf of the user, under the penalty of recovering its cost up to THREE (3) times its value, as only in this way can the faithful compliance with the administrative protection intended to be exercised by this measure be guaranteed.

That the Undersecretariat of Ports and Waterways, under the Secretariat of Transport of the Ministry of Economy, and the National Directorate of Normative Transport Regulation have taken the intervention of their jurisdiction.

That the permanent legal service has intervened as competent body.

That this measure is announced in accordance with the powers given by decree 50/2019 and its amendments.

THE DEPUTY SECRETARY OF PORTS AND WATERWAYS

DETERMINES:

SECTION 1°. - It is established that all Vessels and/or Convoys of Barges of any type and cargo transiting the Main Waterway must have an OSRO (Oil Spill Response Organization) COVERAGE CERTIFICATE issued by a national company duly authorized by the Argentine Coastguard in Maritime Category A.1, in accordance with the regulations set forth by Ordinance 5/99, without prejudice to the provisions established by other regulations related to the prevention of environmental damage in port areas issued by the competent authorities. Shipowners and Shipping Agents representing Vessels and/or Convoys of Barges shall be jointly liable to the General Ports Administration State Company for any non-compliance by the vessels they own with the provisions of this regulation.

SECTION 2°. – The General Ports Administration State Company shall be instructed, through the Management of Safety and Risk Prevention -responsible for ensuring compliance with the Emergency Plan for Companies in charge of Hydrocarbon Handling Facilities, other Harmful, Dangerous, Potentially Dangerous, and Harmful Substances, DISFC-2022-42-APN-DPAM#PNA-, and the Management of Planning and Control, to monitor compliance with the provisions of the sections of this regulation. The Certificates mentioned in Section 1° shall be submitted and approved according to the procedure determined by the General Management of the General Ports Administration State Company.

SECTION 3°. - The General Ports Administration State Company shall be instructed to contract, on behalf of and at the expense of the Vessels and/or Convoys of Barges of any type and cargo transiting the Main Waterway, the corresponding OSRO (Oil Spill Response Organization) COVERAGE CERTIFICATE, issued by a national company duly authorized by the Argentine Coastguard in Maritime Category A.1, in accordance with the regulations established by Ordinance 5/99, in the event that the absence and/or lack



of accreditation of said certification is noted by that Authority, for which it may recover the cost of such certification from the non-compliant party up to THREE (3) times its value as regulated.

SECTION 4°.- The General Ports Administration State Company is tasked with drafting the procedures necessary for the implementation of this provision within a period of fifteen (15) days from its publication.

SECTION 5°.- For the purposes of this provision, the following definitions shall be considered valid:

a. Dangerous Substances. They are those defined in Maritime Ordinance No. 8/98 of the Argentine Coastguard, from the list in Appendix I of Annex I of the MARPOL 73/78 Convention, and from the list in Section 801.0101, subsection g. of REGINAVE.

b. Hydrocarbons. These are oil in all its forms, including crude oil, fuel oil, sludges, petroleum residues, and refined products, and without limiting the generality of the preceding enumeration, the substances listed both in Appendix I of Annex I of the MARPOL 73/78 Convention and in the list of Section 801.0101, subsection g of REGINAVE.

c. Water Pollution. This is the introduction by humans, directly or indirectly, of substances or energy into the aquatic environment that produces deleterious effects, damages to living resources, risks to human health, threats to aquatic activities including fishing, harm or deterioration of water quality, and reduction of recreational activities.

SECTION 6°.- This provision shall come into effect thirty (30) days after its publication.

SECTION 7°.- This be communicated to the General Ports Administration State Company, the Shipping Agencies registered with it, and published in the Official Bulletin. Once fulfilled, filed.

Iñaki Miguel Arreseygor

e. 09/10/2024 No 70823/24 v. October 9th, 2024

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