

Making Waves: Amendment to the Mexican Navigation Law (Ley de Navegaci' n y Comercio Mar'timos)

By Eduardo Corzo | December 23, 2016

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Certain amendments to the Navigation Law, the Organic Federal Public Administration Law, and the Ports Law were published (via a Presidential decree) on December 19, 2016. The amendments will enter into force within 180 days following the date of their publication.

The main purpose of the amendments is to vest the Ministry of the Navy ("SEMAR") with authority not previously held by it to regulate certain matters of the maritime industry, with a specific mandate to have full control of all of Mexico's Harbor Masters. This reform has been criticized by many as a "militarization" of the Mexican ports, but the proponents argue that the amendment will improve safety and protection *in situ*.

The Ministry of Communications and Transport ("SCT") will continue to have some authority over the subject matter, in coordination with SEMAR over some matters, as outlined below. The effects of the reform are currently uncertain, but it will be very interesting to see how the SCT and SEMAR work together to make the regulation of the marine industry more efficient and not administratively obstructive or burdensome:

- SEMAR is now considered as the main national maritime authority, but the SCT remains responsible of certain aspects of commercial navigation.
- The Harbor Masters will retain substantially their current functions and authority, but they will be controlled by SEMAR and not by the SCT.
- SEMAR will be now responsible for the flagging and registration of vessels (including naval artifacts – e.g., towed vessels and rigs), as well as for all matters pertaining to safety inspections and certification of Mexican and foreign vessels (both formerly tasks of the SCT).
- All crew matters, such as issuance of maritime identity cards, certification, and labor conflicts will be under SEMAR's authority.
- Authorizations and permits, such as temporal navigation permits, will remain with the SCT.
- Both the SCT and SEMAR will have authority to impose fines for breaches of the aspects of the law which they respectively manage.
- The National Maritime Public Registry will remain under the SCT's control. However a new "Vessel Registry" will apparently be created and will be controlled by SEMAR. Query how this new registry will work: amendatory regulations have not yet been issued. We hope that both registries will be coordinated.
- SCT is to create an Office of Service to Commercial Navigation (Oficina de Servicios a la Marina Mercante) in every port. Its functions will remain uncertain until the new regulations are issued.

A full version of the referenced decree may be found [here](#).

If you have any questions, please contact one of the lawyers listed below.