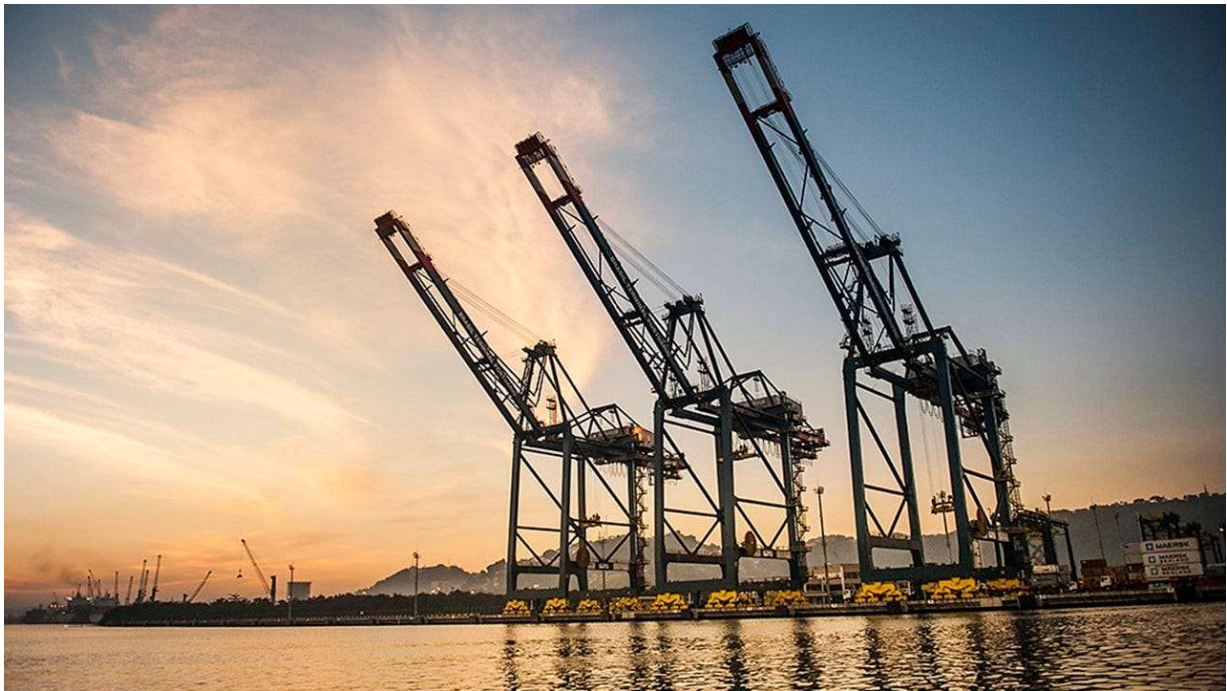


Maersk lawsuit puts Brazil's Santos port auction on hold

Bidding process for the Tecon 10 terminal on hold as judge seeks clarity on restrictions for existing operators in the port.

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APM Terminals BTP facility in the Port of SantosCredit: APM Terminal via Flickr

At a Glance

- Antaq has ten days to clarify the restrictions of the auction
- Maersk sues over \$1 billion Brazil Santos' port auction restrictions

[Brazilian](#) Judge Paulo Cezar Neves Junior, from the 21st Federal Civil Court in São Paulo, has given the National Waterway Transportation Agency (Antaq) ten days to clarify the criteria it used to recommend restrictions on certain companies in the upcoming auction for the Tecon 10 mega-terminal at the Port of Santos. The auction is expected to take place by the end of the year.

Danish shipping group Maersk has filed an \$1 billion-lawsuit early last week in Sao Paulo against Antaq and its general director, requesting to halt the bidding process. The lawsuit called for "procedural corrections to ensure a fair process" to assign the Tecon 10 terminal at the [Port of Santos](#).

Controversy has marred Santos port auction since Antaq recommended -in a document submitted to Brazil's Federal Audit Court (TCU) - that the auction be held in two phases. In

the first phase, shipping lines that already operate a terminal at the Port of Santos would be excluded. They would only be allowed to participate in a potential second round.

According to the agency, the goal is to facilitate the entry of new market players and prevent excessive market concentration in the hands of a single company.

If the court follows Antaq's recommendation, the world's three largest shipping lines—[Maersk](#), [MSC](#), and [CMA CGM](#)—would be barred from the initial phase.

Maersk has argued in its law suit that Antaq radically change the auction rules. The agency's original proposal allowed all companies to submit bids with no restrictions.

Maersk's [APM Terminals](#) operates the Brasil Terminal Portuário (BTP) in the Port of Santos capable of handling 1.5 million annually.

For now, the judge has denied the injunction, citing the fact that the proposal is still under review at the TCU and has not yet had any practical effects. He stated that more information is needed before he can make a ruling on Maersk's request.

Antaq has confirmed it has been notified and is awaiting a decision from the Federal Audit Court.

The port of Santos is not only Brazil's largest container port, but also the largest in South America, although it may soon run out of capacity. In 2023, it was said to be running at 95% of its capacity. Its expansion is indispensable with growing Brazil and global trade. Antaq expects the 3.5 million teu-future port will require \$1 billion investment over the 25 year-concession.