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TO: SHIPPING POLICY COMMITTEE

**COPY: MARITIME LAW COMMITTEE
MARINE COMMITTEE**

REINSTATEMENT OF ADDITIONAL BALLAST WATER CERTIFICATION REQUIREMENTS AT THE PORT OF SANTOS, BRAZIL

Action required: *To note the recent developments regarding the additional certification requirements for compliance with international ballast water regulations imposed on ships calling at the Port of Santos.*

Background

Members will recall from SPC(24)29, SPC(24)31, SPC(24)39, SPC(25)15 and SPC(25)52, that on 11 April 2024, the Santos Port Authority had introduced additional ballast water certification requirements effective from 21 August 2024. Under these requirements, all vessels entering the Port of Santos were required to present an additional certificate affirming adherence to international ballast water regulations. This certificate was to be issued by a private Brazilian firm accredited by the Santos Port Authority, and was subject to a fee of between USD 1,390 and USD 1,700 for each issuance of a new certificate required per port call.

Several shipping associations had raised concerns requesting that the Santos Port Authority retract this new rule. As a result, Brazil's National Agency of Waterway Transport (ANTAQ) suspended this regulation until further investigations could be made. In December 2024, ANTAQ issued a decisive ruling on this matter, officially annulling the Santos Port Authority's regulation on the grounds of legal non-compliance. The Santos Port Authority then obtained a court decision by the Federal Regional Court of the 1st Region in Brasilia to overturn the ruling by ANTAQ. Consequently, the requirement for an additional ballast water certificate at the Port of Santos was reinstated on 13 February 2025. ANTAQ filed an appeal (writ of mandamus) against the court's decision requesting the annulment of the regulation of the Santos Port Authority. In the writ of mandamus, a judgment was issued on 14 July 2025 by the 17th Federal Civil Court of the Judicial Section of the Federal District, annulling ANTAQ's ruling and reinstating the effects of the regulation.

Parallel to these proceedings, in February 2025, the Brazilian Association of Cabotage Shipowners (ABAC) and the National Centre for Transatlantic Navigation (CENTRONAVE) also filed a lawsuit at

the 1st Federal Court of Santos to annul the regulation. The Secretariat issued a letter to ABAC and CENTRONAVE in February 2025 for submission to the court in Brazil to inform the legal proceedings. In July 2025, the court annulled the rule established under APS Normative NAP.SUMAS.OPR.023.2024. As expected, the Santos Port Authority appealed this decision.

Latest developments

Citing a jurisdictional conflict, the Superior Court of Justice on 29 October 2025 suspended all previous proceedings on this matter and temporarily assigned competence to the 17th Federal Civil Court of the Judicial Section of the Federal District for any urgent matters pending its final determination on jurisdiction. The Santos Port Authority has seemingly interpreted this suspension of the proceedings as a ruling that nullifies earlier decisions and permits the reinstatement of the additional certification requirements. Therefore, the regulation NAP.SUMAS.OPR.023.2024 has been reinstated at the Port of Santos as of 29 October 2025.

As previously outlined in SPC(25)15, the Secretariat considers the approach taken by the Santos Port Authority as an unnecessary and duplicative requirement, that is misaligned with the principles of the Ballast Water Management Convention, particularly Article 7(2), which in effect provides that vessels must not be subjected to redundant certification procedures when already complying with the international standards.

Considering the additional certification requirements have been reinstated in October, the Secretariat, in close liaison with the Brazilian Association of Cabotage Shipowners, is exploring potential next steps to address this issue and will inform members of any developments as appropriate.

The Secretariat will continue to monitor the situation closely.

Members are advised to direct any comments or questions to the undersigned (melissande.cathelaz@ics-shipping.org).

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