



Re: BRAZIL – Biofouling Management | Regulatory Update

January 2026

Dear All,

In June 2025, the Directorate of Ports and Coasts (“**DPC**”), which is part of the Brazilian Navy, issued Ordinance DPC/DGN/MB No. 180/25 (attached as [Annex 1](#), together with an office translation), approving the first revision of the Maritime Authority Standards for the Prevention of Environmental Pollution Caused by Vessels and Platforms (“**NORMAM-401**”).

The most significant amendment introduced by this revision is the inclusion of Chapter 4, which establishes a regulatory framework for biofouling management in Brazil, aligned with the revised IMO Guidelines (Resolution MEPC.378(80)).

Taking into account the particular characteristics of the Brazilian coastline, Chapter 4 aims to standardise biofouling control and management practices in order to minimise the risk of bioinvasion in Brazilian Jurisdictional Waters (“**AJB**”). It also clarifies that offshore platforms and their support vessels subject to environmental licensing must comply with the requirements established by the competent environmental authority.

Since the issuance of the revised regulations, our team has been closely monitoring developments and engaging with the relevant authorities. Set out below is a summary of the key provisions of Chapter 4, followed by a Frequently Asked Questions (FAQ) section prepared further to discussions with the DPC, in light of the enforcement period for penalties expected to commence on 1 February 2026.

1. General Requirements

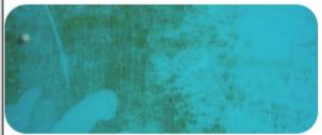
Vessels exceeding 24 metres in length (the “**Vessels**”) are required to comply with the IMO Biofouling Guidelines and must carry on board, a Biofouling Management Plan (the “**Plan**”), and a Biofouling Record Book (the “**Record Book**”).

In accordance with the IMO Guidelines, Vessels must implement the routines set out in the Plan and record all relevant activities in the Record Book, including, among others, inspections, dry-dockings and in-water cleanings.

The minimum required content of the Plan and the Record Book is set out in Annex H of NORMAM-401 (attached as [Annex 2](#), together with an office translation).

The obligation is that Vessels intending to enter the AJB must present a biofouling level equal to or lower than Level 1, corresponding to microfouling. Microfouling is defined as, “*submerged areas partially or totally covered by microfouling. Metallic and painted surfaces may be visible beneath the fouling*”.

The biofouling rating scale and recommended cleaning practices are set out in Annex J of NORMAM-401. Please see below an office translation of the referred Annex.

ANNEX J – NORMAM-401/DPC				
FOULING ASSESSMENT SCALE AND RECOMMENDED CLEANING PRACTICES				
Reference: MEPC Resolution 378(80)				
Illustration	Fouling Level	Description	Coverage	Action
	0. No biofouling	Completely clean surfaces. No visible biofouling.	—	—
	1. Microfouling	Submerged areas partially or totally covered by microfouling. Metallic and painted surfaces may still be visible beneath the fouling.	—	Proactive cleaning of the hull, niche areas and other submerged surfaces.
	2. Light macrofouling	Presence of microfouling and multiple occurrences of macrofouling. Fouling organisms are not easily removed by hand.	1–15% of the surface	Reactive cleaning with capture. It is recommended to reduce the interval until the next inspection.
	3. Moderate macrofouling	Presence of microfouling and multiple occurrences of macrofouling.	16–40% of the surface	Reactive cleaning with capture. If the antifouling system (AFS) is deteriorated, dry docking is recommended, with maintenance or replacement of the AFS.
	4. Heavy macrofouling	Large areas covered by macrofouling or surfaces completely covered by macrofouling.	41–100% of the surface	—

Where a Vessel presents biofouling at Level 2 or above (light macrofouling or greater), the recommended measures include cleaning with capture of residues, together with a reduction in the interval until the next inspection. Where deterioration of the antifouling system is identified, dry-docking for maintenance and/or reapplication of the antifouling coating is recommended.

Any Vessel intending to carry out in-water cleaning must request authorisation from the local Agent of the Maritime Authority (“AM”), preferably with a minimum advance notice of ten days, or otherwise as far in advance as practicable. For the purposes of NORMAM-401, AM is defined as agents of the DPC, Port Captaincies, Delegacies, Agencies of the Brazilian Navy, Harbour Masters and their authorised representatives.

All procedures and supporting evidence, including inspection, monitoring and cleaning reports, must be duly recorded and kept on board.

2. Particular Situations – Biogeographical Regions

Considering the size of the Brazilian coastline and its biotic and abiotic characteristics, Annex I of NORMAM-401 divides the coast into three marine biogeographical regions: North (green), Northeast (yellow) and South/Southeast (blue). Please see an extract of the referred Annex below.



Map - The Brazilian coastline is divided into three regions: North, Northeast, and Southeast–South.

Vessels navigating between these regions must comply with the requirements outlined in topic 1 above.

3. Penalties and Sanctions

Non-compliance with the established obligations may result in administrative penalties, including warnings, fines and, in certain cases, restrictions on operations within the AJB. Enforcement and the application of sanctions fall within the competence of the AM.

Penalties are applied following a formal administrative procedure in accordance with Law No. 9,605/1998 and NORMAM-401. Typically, an infraction notice is issued, after which the interested party may submit a written defence, present supporting documentation and

request admissible evidence within the applicable deadlines. Following a decision, the party is notified to either pay the fine or lodge an administrative appeal. Sanctions are only applied after the conclusion of the administrative procedure.

Under Law No. 9,605/1998 and Decree No. 6,514/2008, fines may range from BRL 500 to BRL 50,000,000; and BRL 500 to BRL 2,000,000 respectively. If the incident is classified as a serious pollution event, then, without entering into technicalities for present purposes, additional civil and criminal sanctions may also apply.

Penalties relating to violations of Chapter 4 will become effective on 1 February 2026. However, the procedure for requesting authorisation for in-water cleaning has been applicable since the publication of Chapter 4 in June 2025

4. Frequently Asked Questions (FAQs)

The following FAQs summarise discussions held with the DPC on key practical aspects of the regulation.

a) When did NORMAM-401 and the biofouling obligations enter into force?

The regulation entered into force in June 2025, initially without the application of penalties. Penalties are currently expected to apply from 1 February 2026, although the DPC has indicated that this deadline may be extended. BRAZMAR's team will continue to monitor developments and provide updates as appropriate.

b) Have advisory inspections already commenced?

According to the DPC, guidance has been provided to the maritime community through lectures, meetings and forums, as well as by AMs within their respective jurisdictions.

c) With regard to the current or any future inspections, please clarify how such inspections will be conducted. By way of example, will inspections be carried out at anchorage and/or at berth, and is there any possibility that underwater inspections may be required?

Inspections will begin with a review of documentation submitted during vessel clearance procedures and will be conducted in accordance with the standards applied by Naval Inspection teams, subject to regional practices and the discretion of the relevant AM.

d) Is in-water cleaning of Level 1 biofouling permitted without residue capture?

Yes. In-water cleaning of Level 1 biofouling may be carried out without the need to capture residues.

e) Is there a list of authorised locations or approved service providers for cleaning at Level 2 or above?

There is no formal accreditation of companies or laboratories by the Maritime Authority. However, the use of reliable and duly certified service providers is recommended. BRAZMAR's team remains available to assist Members in identifying suitable

companies. Cleaning may be carried out at shipyards or, when conducted in water, within port areas, subject to authorisation by the Port Authority or terminal operator.

f) Have any authorisations for in-water cleaning already been issued, and what is the typical timeframe?

Authorisations are issued by the relevant AMs, and there is no centralised data regarding processing times.

g) Taking into account the provisions of item 4.1.4 of NORMAM-401, have any exemptions to the regulations already been granted, or whether there is a possibility for an exemption to be granted, in situations where a vessel's hull presents biofouling above Level 1 but there are no technically feasible means available at the relevant location to carry out cleaning in accordance with the requirements of the standard?

Such situations should be submitted to the Maritime Authority for consideration, as provided for in item 4.1.4 of NORMAM-401.

h) Are there any additional considerations?

Port State Control inspections will follow the standards of the Viña del Mar Agreement and may be more frequent for vessels deemed non-compliant with the regulations. In cases of non-compliance, PSC may notify the authority responsible for initiating environmental administrative proceedings, which may result in fines under Law No. 9,605/1998.

We trust that the above is helpful. As always, our multidisciplinary team remains at your disposal for any further clarification or assistance.

This circular is issued for guidance purposes only and without any liability whatsoever for BRAZMAR. It should not be relied upon as a substitute for specific legal or technical advice, nor acted upon without further verification with the relevant experts or authorities.

Please see attached a pdf version of the document.

Kind regards,

BRAZMAR