

ANTAQ ORDERS THE ANNULMENT OF REGULATION ON BALLAST WATER AT THE PORT OF SANTOS

THE DECISION WAS PROMPTED BY A COMPLAINT FILED BY CENTRONAVE AND ABAC, WHICH POINTED OUT MILLION-DOLLAR EXTRA COSTS FOR COMPLIANCE WITH THE RULE



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Unanimously, the board of the National Waterway Transport Agency (Antaq) ordered the annulment of the resolution by the Santos Port Authority (APS) that required ships docking at the Santos quay to present a compliance certificate for ballast water disposal. The regulation, published in April by the state-owned company, mandated the hiring of a remote monitoring system, which represented significant additional operational costs and overlapping rules. The Brazilian Association of Cabotage Shipowners (Abac) and the National Center for Transatlantic Navigation (Centronave) filed complaints, which were upheld by the regulatory agency.

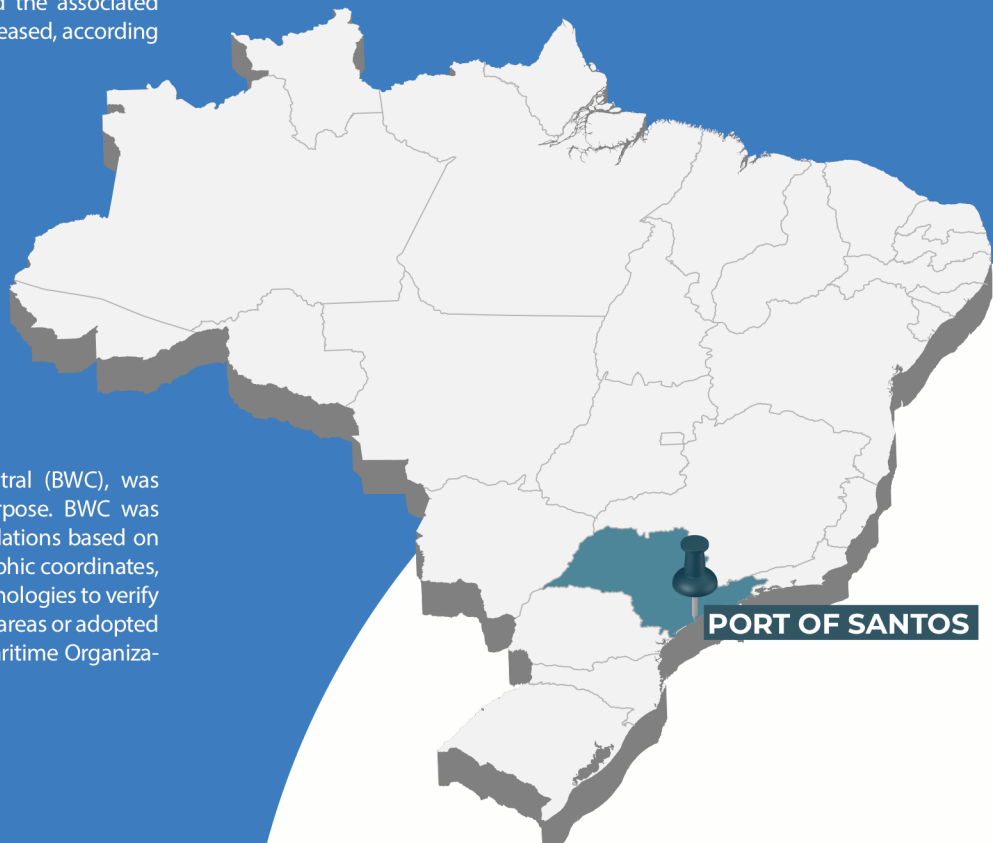
The decision was made on Thursday (5), and the expectation is that the full ruling by Antaq, authored by director Wilson Lima Filho, will soon be published. In the meantime, the rule and the associated charges remain suspended until the document is released, according to attorney Marcelo Sammarco.

The regulation had already been temporarily suspended after numerous complaints from users of the Port of Santos. Overlapping rules, bureaucracy, and high compliance costs were among the problems raised. Before the new rule by the Port Authority, ship inspections were conducted on a sampling basis, relying on information provided by the ship commanders. Under the new rule imposed by the Port Authority, all ships were to be tracked to ensure more efficient control.

However, only one company, Balance Water Central (BWC), was accredited by the state-owned entity for this purpose. BWC was responsible for certifying compliance with the regulations based on information provided by the vessels, such as geographic coordinates, using artificial intelligence tools, GPS, and other technologies to verify whether ships discharged ballast water in permitted areas or adopted filtering systems as required by the International Maritime Organization (IMO) and Brazil's NORMAM 401.

The issue, in this case, was that the service required by the Port Authority added extra costs to foreign trade operations. If ships did not comply, they would be barred from docking at the Port of Santos under the regulation. The state-owned company eventually relaxed the rule, allowing ships deemed "non-compliant" to access the port as long as they presented documentation from BWC.

The certificates issued by BWC cost USD 1,390. A simple calculation shows that, if enforced, the requirement would represent an annual cost of USD 50 million, considering the high volume of vessels heading to the Port of Santos.



PORT OF SANTOS



BALLAST WATER

According to the Santos Port Authority, the new rule was introduced to address the global issue of bioinvasion by exotic species, which threatens marine life and has already caused significant environmental and social damage, including impacts on subsistence fishing in coastal communities, including in Brazil.

The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) aims to prevent, minimize, and eliminate the risks of introducing harmful aquatic organisms and pathogens into aquatic environments due to the discharge of ballast water and sediments from ships. It establishes rules requiring operating vessels to implement efficient management measures, such as installing onboard treatment systems. The Convention was adopted by the IMO in 2004 in London and ratified by Brazil's National Congress in 2010.

In Brazil, NORMAM 401 sets out rules for ballast water management and penalties for non-compliance. There are two options for ballast water discharge: D1, which requires discharge in oceanic waters, or D2, which mandates ballast water treatment onboard before discharge.

According to the Brazilian Navy, the IMO Convention stipulates that oceanic ballast exchange under the D1 standard must occur at least 200 miles from the nearest land in waters at least 200 meters deep or 50 miles from the nearest land in waters 200 meters or deeper.

When a vessel complies with the D2 standard, known as the performance standard, it typically involves the installation of onboard treatment systems. Common methods include combining a filter with ultraviolet lamps or a filter paired with an electrochlorination process.

