



International
Chamber of Shipping

Shaping the Future of Shipping

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Tuesday, 17 February 2026

Mr. Anderson Pomini

Diretor Presidente

Autoridade Portuária de Santos S.A. (APS)

Avenida Conselheiro Rodrigues Alves, s/nº - Macuco

Santos - SP - CEP 11015-900

**RE: THE REINSTATEMENT OF ADDITIONAL BALLAST WATER
CERTIFICATION REQUIREMENTS**

Dear Mr. Pomini,

The International Chamber of Shipping (ICS) wishes to highlight concerns about the recently reinstated requirement that all ships calling at the Port of Santos obtain and submit a certificate of compliance – referred as AC-BWM - from a company accredited by the Santos Port Authority (APS) to verify adherence to and attest compliance with international ballast water management standards. We understand that this requirement is in addition to the certificate, records, and other documentation already required under the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 (BWMC) – and that the provision of this certificate is a pre-requisite for access to the Port of Santos pursuant to APS Normative NAP.SUMAS.OPR.023.2024.

About ICS

ICS is the global trade association for shipowners and operators, representing the world's national shipowner associations from 40 countries and over 80% of the world merchant fleet comprising all sectors (passenger, tanker, bulk carriers etc) and trades. ICS was established to ensure the development and application of best practices throughout the shipping industry to ensure high operational standards and safe shipping. To that end, ICS strives for a regulatory environment which embraces safe shipping operations, seafarer welfare, protection of the environment, maintenance of open markets and adherence to internationally adopted standards and procedures. ICS has actively contributed to the development and implementation of the BWMC, adopted by the International Maritime Organisation (IMO) in 2004, and is also actively participating in IMO discussion relating to the review of the BWMC, which should result in the amended BWMC being approved and adopted by IMO by December 2026.

Background

ICS has been closely monitoring the ongoing legal and regulatory developments concerning the additional ballast water certification requirement at the Port of Santos. Since its introduction in April 2024, the APS Normative NAP.SUMAS.OPR.023.2024 has required all ships calling in the Port of Santos to obtain an additional certificate from an APS-accredited company to demonstrate compliance with international ballast water management standards. This additional certificate is required each time a ship calls at the Port of Santos.

ICS recognises the importance of effective ballast water management in protecting marine ecosystems and fully supports compliance with the BWMC. In this respect, ICS also respects the right of a local port authority – such as APS – to verify compliance with international conventions to protect the marine environment. However, we understand that the additional certification process introduced at the Port of Santos aims to review and verify matters already fully certified under the BWMC – such as the International Ballast Water Management Certificate (IBWMC), the Ballast Water Management Plan (BWMP), the Ballast Water Reporting Form (BWRP), and the type approval certificate of the Ballast Water Management System (BWMS), which the IMO has approved and issued, directly to the licensed company. The APS-accredited company also has the right to charge a fee to complete this process, which we understand is generally in the region of 799 USD for liner vessels and 1390 USD for non-liner vessels.

ICS is concerned that the additional certification requirement applied in the Port of Santos overlaps with – and in effect duplicates – the certification and verification requirements already mandated under the BWMC, and that the introduction of this measure risks undermining the Convention's objective of ensuring a harmonised and consistent approach to demonstrating compliance with international ballast water management standards for global shipping.

Consistency with the IMO BWMC

The BWMC, which is already applicable in the Port of Santos by virtue of Brazil's ratification of the Convention on 14 April 2010 and entry into force on 8 September 2017, establishes through Articles 7 and 9 a rigorous, a comprehensive, and internationally harmonised system of certification and verification to ensure and demonstrate compliance with the internationally accepted ballast water management standards.

Under the BWMC system, ships must always carry on board an IBWMC which is issued by the flag State and certifies that the ship carries out ballast water management in accordance with the BWMC and specifies which standard the ship is complying with, as well as the expiration date of the certificate. Additionally, in accordance with the BWMC requirements, ships have to carry a ship-specific BWMP, also approved by the flag State, and a Ballast Water Record Book (BWRB) to record when, and what quantity of, ballast water is taken on board, circulated or treated for ballast water management purposes, and discharged into the sea or a reception facility. Accidental or other exceptional discharges of ballast water must also be recorded.

Ships are also subject to inspection by Port State Control (PSC) in any port of a State Party to the BWMC, such as Brazil. This inspection can be undertaken at any time while the ship is at port – including the Port of Santos - and PSC officers are entitled to: verify that there is on board a valid IBWMC and an approved BWMP; review records in the BWRB including those containing the details of the quantity of ballast water taken in and discharged; and take ballast water samples to verify the ballast water meets discharge standards.

Taking the above requirements of the BWMC into account, the experience of ICS is that the additional compliance requirement introduced by the APS Normative NAP.SUMAS.OPR.023.2024 only replicates information already certified and verified through the IMO approved processes under the BWMC and without it seeming to provide any additional substantive benefit to either the Port of Santos or the surrounding marine environment.

Additionally, and very significantly, the IBWMC and other associated records and documentation are intended to provide complete and sufficient evidence of compliance with international ballast water management standards. Article 7(2) of the BWMC sets a clear principle that a port authority in a State Party to the BWMC cannot subject foreign flagged ships to additional survey and certification requirements. This provision was designed precisely to avoid individual States or ports introducing their own parallel and overlapping documentation and certification obligations, as has occurred in the Port of Santos. As such the requirement for additional certification in the form of an AC-BWM is superfluous and does not align with the BWMC or its aims.

We further note that, to the best of our knowledge, no other State or port in the world where the BWMC is in force has introduced such an additional certification requirement. While we fully appreciate the importance of ensuring compliance with international ballast water management standards, it is equally important to recognise that the BWMC already provides a comprehensive and effective basis for doing so. ICS is therefore concerned that, if every State or port were to take a similar approach in relation to the BWMC or any other convention, then that would ultimately undermine the international regulatory framework that Brazil and others negotiate and agree at the IMO and other international fora, and within which global shipping operates – and precisely what Article 7(2) of the BWMC is intended to avoid.

Beyond these legal considerations, ICS therefore questions the legitimacy of the fee being charged to obtain AC-BWM. It is unjustifiable to be charging a fee which appears to be wholly disproportionate to the services provided, for an additional but redundant certification that only adds costs without providing any additional regulatory benefit. This additional certification will likely negatively impact the smooth international maritime trade in the Port of Santos and increase the operational costs of those vessels that engage in the trade, which will ultimately be passed on to consumers including those in Brazil. ICS therefore strongly urges the Santos Port Authority to withdraw this additional requirement, to maintain the efficient flow of maritime trade and smooth operations for vessels calling at the Port of Santos.

Conclusion

As mentioned earlier, ICS fully supports effective ballast water management practices through compliance with the BWMC to protect the marine environment. We hope the above observations demonstrate why ICS believes the approach taken in the Port of Santos would benefit from a review to fully align with the BWMC, Article 7(2) of which expressly ensures that ships are not subjected to duplicative survey and certification procedures when already meeting the international ballast water management standards.

We are also aware that this issue is the subject of ongoing judicial proceedings in Brazil pursuant to which the application of the APS Normative NAP.SUMAS.OPR.023.2024 was suspended but then recently reinstated in October 2025. This, and the fact that it may be some time before the judicial process is ultimately resolved has contributed to the continued uncertainty for operators calling at the Port of Santos. ICS would, therefore, respectfully request that a review is undertaken of the current approach and the requirement for ships to present an additional certificate of compliance with international ballast water management standards as a condition for access into the Port of Santos is immediately withdrawn.

If you have any questions about the above observations or would like to discuss them in more detail, we would be happy to arrange a meeting and are keen to work with you to help address the concerns of shipowners.

Yours sincerely,

Thomas A. Kazakos
Secretary General

This is a computer-generated message and therefore unsigned.