

4 August 2026

His Excellency Tomé Monteiro da Franca
Minister for Ports and Airports
Esplanada dos Ministérios,
Brasília, DF 70044-902
Brazil

Her Excellency Miriam Belchior
Chief of Staff, Casa Civil da Presidência da República
Praça dos Três Poderes
Brasília, DF 70150-900
Brazil

Admiral Carlos André Coronha Macedo
Director of Ports and Coasts
Brazil Maritime Authority
Rua Teófilo Ottoni 04
Centro, Rio de Janeiro, 20090-070
Brazil

**COMMENTS ON THE PROPOSAL FOR ADDITIONAL BALLAST WATER
CERTIFICATION REQUIREMENTS AT PORTS IN THE STATES OF BAHIA AND SANTA
CATARINA, MANAGED BY CODEBA**

Your Excellencies,

Admiral,

We, the International Chamber of Shipping, the World Shipping Council, the International Association of Dry Cargo Shipowners, are writing to you in the name of the global shipping industry, to highlight concerns about the proposed requirement, described in Accreditation Notice No. 001/2026, that all ships calling at the ports of Salvador, Aratu-Candeias, Ilhéus in the State of Bahia and Itajaí in the State of Santa Catarina, managed by CODEBA, obtain and submit a new additional certificate of compliance from a company accredited by CODEBA (AquaCert Soluções e Tecnologia Ltda), 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 these four ports. The proposed introduction of these additional requirements follows similar measures previously introduced at the Port of Santos, which has been challenged by key stakeholders within Brazil, including the National Agency of Waterway Transport (ANTAQ) and industry representatives such as the Brazilian Association of Cabotage Shipowners (ABAC) and the National Centre for Transatlantic Navigation (CENTRONAVE), and is currently under judiciary examination to determine its legality.

We respect the right of a local port authority, such as APS and CODEBA, to verify compliance with international conventions to protect the marine environment. We also recognise the importance of effective BWMC in protecting marine ecosystems and support compliance with the BWMC.

We respectfully submit, however, that the approach taken by APS and now CODEBA is unnecessary and does not align with the aims of the BWMC, particularly Article 7(2) of BWMC which in effect provides that vessels must not be subjected to redundant certification procedures when already meeting the international standards. We respectfully request that Accreditation Notice No. 001/2026, is rescinded.

Background

The industry has been closely monitoring the ongoing legal and regulatory developments concerning the additional ballast water certification requirement at the Port of Santos (APS). Since its introduction in April 2024, the APS Normative NAP.SUMAS.OPR.023.2024 (APS Normative) 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. The legality of this additional certification is currently being examined by the 17th Federal Civil Court of the Judicial Section of the Federal District, including consideration of whether this requirement is consistent with the BWMC. We are concerned that, through Accreditation Notice No. 001/2026, CODEBA is seeking to introduce similar measures in the ports of Salvador, Aratu-Candeias, Ilhéus and Itajaí to those imposed by the Port of Santos, despite the ongoing legal challenge to APS Normative and the detrimental effect of such measures.

We recognise the importance of effective ballast water management in protecting marine ecosystems and fully supports compliance with the BWMC. In this respect, we also respect the right of a local port authority – such as CODEBA – to verify compliance with international conventions to protect the marine environment. However, we understand that the additional certification process proposed in the ports of Salvador, Aratu-Candeias and Ilhéus in the State of Bahia and Itajaí in the State of Santa Catarina will simply 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 (BWRF), and the type approval certificate of the Ballast Water Management System (BWMS), which the IMO has approved and issued, directly to the licensed company.

Consistency with the IMO BWMC

The BWMC, which is already applicable in the ports of Salvador, Aratu-Candeias, Ilhéus and Itajaí 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 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, we are concerned that the additional requirements in Accreditation Notice No. 001/2026 and like those in APS Normative 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 particular port or the surrounding marine environment. We understand that the CODEBA-accredited company also would have the right to charge a fee to complete this process

We are concerned that these additional certification requirements overlap with and in effect duplicate the certification and verification requirements already mandated under the BWMC, and that the introduction of such measures in ports in Brazil 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.

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, and is now proposed in the ports of Salvador, Aratu-Candeias, Ilhéus in the State of Bahia and Itajaí in the State of Santa Catarina. 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 Party to the BWMC has permitted the introduction of additional certification requirements in its ports. 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. We are 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, we question the legitimacy of charging any fee to obtain these additional certifications, which do not provide any additional regulatory benefit. This additional certification also risks negatively impacting the smooth international maritime trade in the ports of Salvador, Aratu-Candeias, Ilhéus in the State of Bahia and Itajaí in the State of Santa Catarina and increase the operational costs of those vessels that call at these ports, which could ultimately adversely impact consumers, including those in Brazil.

We, therefore, strongly urge the Maritime Authority to instruct CODEBA to withdraw this additional requirement, to maintain the efficient flow of maritime trade and smooth operations for vessels calling at the ports of Bahia and Itajaí in Santa Catarina.

Conclusion

As mentioned earlier, we fully support effective ballast water management practices through compliance with the BWMC to protect the marine environment. We hope the above observations demonstrate why the industry believes the approach taken in the ports of Salvador, Aratu-Candeias, Ilhéus in the State of Bahia and Itajaí in the State of Santa Catarina 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 the same issue of additional ballast water certification, put in place by the Santos Port Authority, is the subject of ongoing judicial proceedings in Brazil. 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, and the initiative of CODEBA to introduce similar measures in the ports under its control adds further uncertainty for the shipping industry in Brazil. We would, therefore, respectfully request that a review is undertaken of the current approach and that any requirement for ships to present an additional certificate of compliance with international ballast water management standards as a condition for access into the ports under the control of CODEBA in the States of Bahia and Santa Catarina 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
International Chamber of Shipping

Joe Kramek
President and CEO
World Shipping Council

Kostas G. Gkonis, PhD
Secretary General
The International Association of Dry Cargo Shipowners