Dear All,

Further to our Circular XXVI on 17th August 2021, please note that the Brazilian government issued Ordinance n. 658 (attached hereto, along with an office translation) (“the Ordinance”) which, in summary, revokes the previous temporary ban on flights from South Africa, India, United Kingdom of Great Britain and Northern Ireland, and also establishes the basis for the cruise season in Brazil to commence on 1 November subject to additional regulation as discussed below. Please note that the Ordinance expressly revoked the previous ordinance n. 657.

As far as entry by air is concerned, the overall scenario is now that entry is allowed to international travelers, national and foreign, as long as the following documents are presented to the airline responsible for the flight before boarding, and that the usual immigration rules are complied with (including the need of an entry visa if required).

1. A COVID-19 antigen type test, with a negative or undetectable result, performed within twenty-four hours prior to the time of boarding; or of a laboratory RT-PCR type test, performed within seventy-two hours prior to the time of boarding.

For flights with connections or stopovers in which the traveler remains in a restricted area of the airport, the deadlines referred to above shall be considered in relation to boarding the first leg of the trip; for flights with connections or stopovers in which the traveler does not remain in a restricted area of the airport, in which the traveler performs immigration, and which exceeds seventy-two hours since the completion of the RT-PCR test or twenty-four hours of the antigen test, the traveler must present a new test, RT-PCR or antigen, with a negative or non-detectable result for COVID-19 at check-in for boarding to Brazil;

1. Presentation to the airline, before boarding, of proof - printed or electronic - of completion of the Traveler's Health Declaration - DSV, within a maximum of twenty-four hours prior to boarding, The DSV contains an agreement to abide by sanitary measures during the period of stay in the country;

With regards to entry by road and/or land transportation, the overall rule is that entry of foreigners of any nationality remains forbidden. Whilst not specifically relevant to shipping, exceptions to this rule are provided for in the paragraphs of art 4 of the Ordinance, so please refer to the attached translation for further information, or please contact our team for further commentary.

With regards to entry by sea, the scenario can be summarised as follows:

1. Art 5 establishes an overall authorisation for the transportation by water of passengers, national or foreign, exclusively within Brazilian national waters on board cruise vessels starting on 1 November 2021. Such authorisation, however, is subject to additional rules to be issued by the Health Ministry, the local Municipality and State where the passengers will disembark and by the National Sanitary Agency ANVISA (please refer to art 5 paragraphs 1 to 3 of the translation attached for more information about the topics that each of these authorities are expected to include in the subject rules). It remains to be seen when the issuance of such rules will occur;
2. With regards to crew members on board cargo vessels originating abroad and/or platforms operating in jurisdictional waters, art 5 paragraph 4 appears to reiterate the previous rule that ANVISA should issue rules dealing with the sanitary requirement for the boarding and disembarkation of crew members; and paragraph 5 also reiterates the previous rule that “*the restrictions provided for in the Ordinance do not prevent the disembarkation, authorised by the Federal Police, of sea crew for medical assistance or for return air connection to the country of origin related to operational issues or termination of employment contract”* subject to:

*I - term of responsibility for expenses arising from the disembarkation signed by the agent maritime;*

*II - document evidencing the performance of an RT-PCR laboratory test, to screen the SARS-CoV-2 (covid-19) coronavirus infection, with negative or undetectable results, performed in the seventy-two hours prior to disembarkation;*

*III - prior consent of the local health authorities; and*

*IV - presentation of the corresponding air tickets.*

The Final Provisions of the Ordinance (art 6 onwards) also establish rules on how the authorities, chiefly the Health Ministry, can take steps to complement the rules established in the Ordinance. Also, Annex I of the Ordinance establishes detailed guidance on how the TR-PCR and/or the antigen COVID-19 testing needs to be carried out; and Annex II establishes a specific protocol for airline crew members who are exempted from presenting the subject COVID-19 test.

As usual, we remain available for any clarifications, and our multidisciplinary team is at your disposal for any necessary assistance. The comments above, of course, are for general guidance only and should not be relied on without additional checks.

We shall update you further if / when the scenario changes locally.

Regards,

The Team



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