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BWM.2/Circ.1*
22 September 2005

**INTERNATIONAL CONVENTION FOR THE CONTROL
AND MANAGEMENT OF SHIPS' BALLAST WATER
AND SEDIMENTS, 2004**

Communication received from the Administration of Brazil

A communication has been received from the Administration of Brazil concerning the mandatory national legislation pertaining to requirements for ballast water exchange.

At the request of the Administration of Brazil, the above-mentioned communication annexed hereto is circulated to Member States for their information and future action as appropriate.

* To facilitate prompt identification, circulars related to the status of BWM Convention will be issued under the symbol (BWM.1/Circ....) and circulars related to technical aspects of ballast water management will be issued under the symbol (BWM.2 /Circ....).

ANNEX

**SUMMARY OF BRAZILIAN NATIONAL LEGISLATION ON BALLAST
WATER MANAGEMENT FOR SHIPS**

The Brazilian national legislation on Ballast Water Management for Ships was developed using as a basis the provisions of IMO's Resolution A.868(20) and the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004, adopted by the Organization in February 2004.

This legislation will be applicable to all ships that carry out ballast water discharge in Brazilian jurisdictional waters and shall enter into force as from 15 October 2005.

This legislation stipulates, as a mandatory requirement, that all ships intending to discharge ballast water in Brazilian jurisdictional waters shall:

- Conduct ballast water exchange at least 200 nautical miles from the coast and in water at least 200 metres in depth.

In cases where the ship is unable to conduct ballast water exchange as stipulated above, it shall be done as far as possible from the nearest land and in all cases at least 50 nautical miles from the coast and in water at least 200 metres in depth.

In cases where the ship is unable to carry out ballast water exchange, ballast water shall be retained on board and only a minimum amount may be authorised for discharge, with the consent of the Maritime Authority Agent. In such cases the master should notify the Maritime Authority in advance.

The three methods for ballast water exchange – sequential, flow-through and dilution – will be accepted. When the flow-through or dilution method is used, at least three times the tank's volume should be pumped. Ballast water exchange should be carried out with an efficiency of at least 95% volumetric exchange.

Ballast water exchange will also be required for ships engaged in commercial navigation between distinct hydrographical basins and between maritime and fluvial ports.

Special provisions apply to ports of the Amazon Basin, where an additional exchange will be required in order to reduce the ballast water salinity, and should take place between the isobathic of 20 metres and Macapá. For ships with a ballast capacity of less than 5000m³ the additional exchange should be carried out at the mouth of the river Jari. For this additional exchange the tank's volume only needs to be pumped once. The same applies to the River Pará, for which the additional exchange should be conducted at least sixty nautical miles from Salinópolis up until the lighthouse of Ponta do Chapéu Virado (Mosqueiro Island).

Monitoring of the above provisions will be done through the inspection of the Ballast Management Plan and the Ballast Water Reporting Form. The Ship must send a copy of the Ballast Water Reporting Form to the relevant agency twenty-four hours prior to the estimated time of arrival.

Monitoring may also include the collection and analysis of a ballast water sample.

Violations of these provisions will be sanctioned according to the national law, which may include warnings, fines, detention or prohibition of the ship's entry in the port or terminal.

The requirements of these provisions shall not apply to:

- the uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of the ship in an emergency situation or saving life at sea;
- The accidental discharge or ingress of ballast water and sediments resulting from damage to the ship or its equipment;
- The uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship; and
- The discharge of Ballast Water and Sediments from a ship at the same location where the whole of that Ballast Water and those sediments originated and provided that mixing with un-managed ballast water and sediments from other areas has not occurred.

The following ships are exempt from these provisions: war ships or ships owned or operated by a State and employed in non-commercial voyages, ships with sealed ballast tanks not subject to discharge, maritime and port support vessels, ships whose design characteristics do not allow ballast exchange, and recreational and search and rescue vessels, with less than 50 metres in length and with a maximum ballast capacity of eight cubic metres.

More detailed information about these provisions can be obtained from secom@dpc.mar.mil.br.



BRAZILIAN NAVY

**BRAZILIAN PERMANENT REPRESENTATION TO THE
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The Secretary-General
International Maritime Organization
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Sir,

The Brazilian Permanent Representation presents its compliments and, with reference to the issue of Ballast Water Management, has the honour to inform you that, as part of Brazil's efforts to preserve the marine environment and to implement the provisions of the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004, Brazil has recently adopted mandatory national legislation pertaining to requirements for Ballast Water Exchange.

This legislation shall apply to all ships intending to discharge ballast water in Brazilian jurisdictional waters and shall enter into force as from 15 October 2005.

I enclose at annex a summary of the main requirements of this legislation and would be grateful if you could kindly arrange for this information to be circulated to all IMO Member States.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.



Luis Fernando Resano
Captain

Acting Permanent Representative to IMO