



PERMANENT MISSION OF BRAZIL

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The Permanent Mission of Brazil to the International Seabed Authority presents its compliments to the Secretariat of the International Seabed Authority and has the honour to forward report prepared by the Inter-ministerial Secretariat for the Resources of the Sea (SECIRM) regarding the Brazilian legislation in the field of research and exploitation of resources of the seabed:

"National Legislation on Marine Resources

As a country with huge continental dimensions and a vast coast by the Atlantic Ocean, Brazil has always given great attention to the sustainable management of activities carried out in the Blue Amazon, which comprises the Territorial Sea, the Exclusive Economic Zone and the Extended Continental Shelf, and to the international areas of interest.

As a consequence, and taking into consideration its spatial position and the wealth of its natural resources, as well as its environmental, economic and strategic importance, the Brazilian Government has developed a significant set of laws, decrees, regulations and administrative measures that rule the development of activities given in the marine areas.

As a national management model for activities in coastal zones, oceans and seabed, Brazil has adopted an integrated system comprised of the National Policy for Sea Resource, which is implemented through a variety of programs and actions coordinated by the Inter-ministerial Commission for Sea Resources (CIRM).

The aforementioned Commission, which has the Commandant of the Brazilian Navy as its Coordinator, is a permanent Board comprised of representatives of 18 Federal Governmental Bodies, mainly Ministries, that have responsibility related to marine resources.

All decisions taken by the Board are reached by consensus. Among the programs and plans coordinated by CIRM, it is worthy to mention the Brazilian Antarctic Program (PROANTAR), the Continental Shelf Survey Plan (LEPLAC) and the Sector Plan for Sea Resources (PSRM).

The PSRM is an offshoot of the National Policy for Marine Resources (PNRM), which aims to integrate the Blue Amazon and other ocean areas of interest, through research activities, oceanographic monitoring and climate studies, as well as through projects aiming at the sustainable exploration and conservation of natural resources.

The implementation of PSRM comprises various actions and programs such as:

- Evaluation, Monitoring and Conservation of Marine Biodiversity (REVIMAR) – aims at evaluating, monitoring and promoting the conservation of the rich biodiversity of marine ecosystems, establishing scientific bases and activities to support policy and conservation initiatives, as well as promoting shared management for the sustainable use of living resources of the Brazilian sea;*
- Aquaculture and Fishery (AQUIPESCA) - aims at contributing to the sustainable development of mariculture and fishery in maritime areas under national jurisdiction;*
- Marine Biotechnology (BIOMAR) - aims at promoting and encouraging the study and sustainable exploitation of the biotechnological potential of marine biodiversity, focusing on scientific development, the absorption of technologies and promotion of innovation;*
- Mineral Potential Assessment of the Brazilian Continental Platform (REMPLOC) - aims at evaluating the mineral potential of the Brazilian Legal Continental Shelf and, therefore, among other things, to identify areas with mineral potential and to encourage research activities that envisage technological development and innovation applied to the exploitation of marine mineral resources;*
- Prospection and Exploration of Mineral Resources in Equatorial and South Atlantic International AREA (PROAREA) - aims at identifying areas of economic, political and strategic importance to Brazil, located in the Equatorial and South Atlantic regions that are not under jurisdiction of any country, performing a survey of non-living resources, associated biodiversity and their potentiality; and*
- Brazilian Ocean and Climate Observation System (GOOS / BRAZIL) - aims at expanding and consolidating the system for observing the oceans, the coastal zone and the atmosphere contributing to reducing risks and vulnerabilities resulting from extreme events, climate variability and climate change affecting Brazil.*

With regard to the rules for exploration and exploitation of minerals in areas under national jurisdiction, the Brazilian legislation follows the national "Mining Code" (Decree-Law 227 of 28 February 1967), according to which the grants for exploration and mineral exploitation in Brazil, both onshore and offshore are, as a rule, responsibility of the Brazilian Federal Government through the Ministry of Mines and Energy (MME). As a result, the planning of exploration and mineral exploitation in maritime areas under national jurisdiction follows the guidelines of the National Mining Plan, always in line with the PSRM and the Coastal Management Plan, among other instruments.

Scientific research activities in the sea shall follow specific legislation, in compliance with international agreements ratified by Brazil, and are carried out according to projects and programs developed within the CIRM, always with a view to promote the sustainable use of natural resources, taking the necessary precautions to effectively protect the environment, as well as to provide human safety.

With regard to activities in the AREA, there is no specific national law in Brazil related to the operation and/or mineral exploitation. However, the country has adopted a series of rules that integrate international conventions applicable to the area in question, in particular those related to the protection, sustainable use and conservation of the environment and marine biodiversity.

It should be noted also that national legislation contains a number of laws, regulations and procedures directed to activities in the Blue Amazon and international areas of interest, which aim to prevent, reduce and control pollution and other hazards to the marine environment, through the use of the precautionary approach, according to Principle 15 of the Rio Declaration on Environment and Development, taking into account the best environmental practices.

Moreover, in order to provide effective protection for human health and safety in the execution of these activities, the country also fully applies international conventions and protocols in dealing with the crews, ships and contractors who carry out activities both in waters under national jurisdiction and in international areas. In this context, one should mention the following international treaties promulgated by Brazil, which are part of its national law framework:

- Convention on the Inter-Governmental Maritime Consultative Organization (IMCO)/International Maritime Organization (IMO): Decree 52.493/63, Decree 64.989/69 and Decree 87.458/82;*
- International Convention for the Safety of Life at Sea (SOLAS): Decree 87.186/82;*
- International Convention for the Prevention of Pollution from Ships, its Protocol (1978), alterations (1984) and optional annexes III, IV and V (MARPOL): Decree 2.508/98;*
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW): Decree 89.822/84 and Decree 6.846/09;*
- Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) (RIPEAM): Decree 80.068/77;*
- Convention on Facilitation of International Maritime Traffic (FAL) and alterations (1979): Decree 80.672/77 and Decree 89.957/84;*
- International Convention on Load Lines (LL) and alterations (1979): Decree 66.103/70 and Decree 90.385/84;*
- International Convention on Maritime Search and Rescue (SAR) and alterations (1978): Decree 85/1991 and Decree 6.516/2008;*
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA-88) and the Protocol to the Suppression of Unlawful Acts Against the safety of3 fixed platforms located on the continental shelf (PRO SUA-88), article 6 item 2, article 8and paragraph 2 of article 3 of the Protocol: Decree 6.136/2007;*

- *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (The London Convention) and the amendments to its annexes: Decree 87.566/82 and Decree 6.511/2008;*
- *United Nations Convention on the Law of the Sea IMO (CNUDM): Decree 1.530/95;*
- *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS Part XI): Decree 6.440/2008; and*
- *Convention on the International Maritime Satellite Organization (IMSO) (INMSART), its alterations and operational agreements: Decree 83.976/79 and Decree 148/91.*

As a result of the recent increase in exploration and production of oil and gas at sea, Brazil began also to comply with some specific legislation, such as the law that provides prevention, control and monitoring of pollution caused by the launch of oil and other harmful or dangerous substances in waters under national jurisdiction, and the decree establishing the national Contingency Plan for Pollution Incidents by oil in waters under national jurisdiction, "Law No. 9.966 / 2000 and Decree No. 8.127 / 2013." These laws may be used as a support, as appropriate, for future regulations applicable to mining activities.

Therefore, according to its capacity and duties, the CIRM has been conducting studies aimed at improving the internal legislation related to the activities on the seas, oceans, coastal and seabed, contributing to the development of a legislative and regulatory framework that harmonically embraces activities related to prospecting, exploration and mineral exploitation on the seabed, to con-solidate the various laws, regulations and administrative measures issued by different national and international bodies.

CIRM has been conducting work aiming at harmonizing maritime legislation through a program called Shared Use of the marine environment. Under this program, the e-book "Compilation of Federal Legislation on Shared Use of the Marine Environment", which constitutes a repository of federal legislation in Brazil, was published in 2014. It is updated annually and is avail-able at CIRM website for viewing and downloading."

The Permanent Mission of Brazil to the International Seabed Authority avails itself of this opportunity to renew to the Secretariat of the International Seabed Authority the assurances of its highest consideration.



Kingston 11th August 2017