



Changes to the Mexican Navigation and Maritime Commerce Law

New and amended provisions of the Mexican Navigation and Maritime Commerce Law took effect on 4 April 2015.

Published 07 May 2015

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

The amended regulations have repealed other regulations previously in force and deal with important aspects, such as registration of vessels under the Mexican flag, temporary navigation permits allowing foreign flag vessels to operate in cabotage trade in Mexico and how to prevent ships from polluting the Mexican marine environment. Changes were also made to the requirements for letters of undertaking issued by a P&I club or a foreign entity.

Owners and operators of vessels entering Mexican waters should be advised that relevant provisions of the International Convention for the Prevention of Pollution from Ships (MARPOL) have been included in local Mexican legislation and that Mexican maritime authorities are strictly enforcing the MARPOL standards. Among other things, Members and clients operating in Mexican waters should be aware of the following:

- Oil tankers of 150 gross tonnage (GT) and above, non-oil tankers of 400 GT and above and non-oil tankers used for transportation of oil of an aggregate capacity of 200 cubic meters or more, must comply with the relevant provisions of Annex 1 of MARPOL regarding prevention of pollution by oil.
- Vessels carrying noxious liquid substances in bulk must comply with the provisions of Annex II of MARPOL.
- Vessels carrying noxious liquids in bulk, other than chemical tankers or liquefied gas carriers certified to carry such substances, must comply with the IMO *Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels*.¹
- Vessels of 600 tonnes deadweight and above transporting heavy hydrocarbons must have wing/side tanks and double bottom tanks to protect against an oil spill in the event of grounding or collision.
- Vessels providing fuel supply in Mexican waters must be equipped with containment booms and chemical solvents in case of oil spills, pursuant to the vessel's Ship Oil Pollution Emergency Plan and any applicable MARPOL directive.
- Discharge of wastes, oil mixtures, harmful liquid substances, dirty waters, residual waters, ballast water and garbage must be disposed in facilities authorised by the Mexican Maritime Directorate (*Dirección General de Marina Mercante*) and records of such disposals must be kept on board.
- The harbour master may refuse or cancel a vessel's clearance for departure if there is a risk of pollution by spill or leakage.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

- Port Pilots must immediately notify the harbour master of any knowledge of an event affecting the marine environment and take the necessary steps to mitigate the event in coordination with the harbour master.
- Reception, management, and storage of hazardous material must be carried out in accordance with SOLAS Chapter VII, Annex III of MARPOL, the IMDG Code and the applicable Mexican regulations.
- In case of a spill of hydro carbons or any hazardous materials the details and reasons of the incident and the corrective action necessary must be reported to the nearest harbour master and also communicated to the Mexican Navy Secretary (*Secretaria de Marina* – SEMAR).

As for the changes made to the requirements for letters of undertaking issued by a P&I club or a foreign entity, it should be noted that when a guarantee is issued in favour of the Mexican Maritime Directorate, letters of undertaking will be accepted only when the P&I club or the foreign entity is recognised by the Director General. Gard is in the process of submitting its request to the Maritime Directorate to comply with the registration process. From the date registration is granted, the P&I club will be subject to Mexican Law in relation to fulfilment of liabilities guaranteed by letters of undertaking.

The foregoing developments in Mexican maritime law pose some significant changes to Mexican shipping regulations and operational policies. Members and clients operating in Mexico should be aware of the enforcement of these changes, and any vessel operators going to the area for the first time should ensure vessels will be in compliance and officially recognised by the maritime authorities.

For additional information, the provisions of the Mexican Law of Navigation and Maritime Commerce (in Spanish) can be found [here](#) .

We would like to thank Gard's correspondents, Pinedo y Asociados Abogados, Mexico City, for their assistance in preparation of this Alert.

1 The guidelines were adopted by Resolution [A.673\(16\)](#) in October 1989 and was later amended and adopted by Resolutions [MEPC.158\(55\)](#) and [MSC.236\(82\)](#) in 2006.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.