

Proinde Circular 16-05-2016: Problems with ship sanitation certificates (SSCC/SSCEC) in Brazil

1. Introduction

We are seeing an increasing number of vessels facing problems with Brazilian port health authorities in respect of ship sanitation certificates (SSC) that often result in delays, extra costs and expenses and loss of hire.

Based on our practical experience, we prepared this circular to inform Clubs, Members and Clients about control measures to be taken by the shipmasters and operators to avert or reduce the risk of problems with regard to SSC.

2. Port health regulations

The International Health Regulations of 2005 (IHR 2005) was adopted by the World Health Organization (WHO) and entered into force in 2007 to *“prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade”*¹.

Brazil is a member of WHO and upholds the purpose of the IHR 2005, which was introduced into its legal system in 2009² to form the basic framework of the domestic health regulations applying to airports, ports, aircrafts, vessels and other conveyances.

The *Agência Nacional de Vigilância Sanitária* – ANVISA (National Health Surveillance Agency) is the regulatory body of the Brazilian government playing the role of port health authority. Among other tasks, ANVISA is responsible to enforce compliance with the IHR 2005 and issue SSC to national and visiting vessels.

3. Ship sanitation certificates (SSCC/SSCEC)

Under the IHR 2005, vessels, crew and passengers engaged in international traffic are required to possess mandatory health documents when trading in States Parties, such as Brazil, which comprise of the International Certificate of Vaccination or Prophylaxis³ (vaccination certificate), the Maritime Declaration of Health⁴ and the Ship Sanitation Certificates (SSC)⁵.

With the adoption of the IHR 2005, the Deratting Certificate and Deratting Exemption Certificate issued under the earlier International Health Regulations (IHR 1969) are no longer valid since 2007, when they were fully replaced by the much broader sanitation certification introduced by the new Regulations.

¹ Art. 2 of the World Health Organisation (WHO)'s *“International Health Regulations”*, 2005 (IHR 2005)

² IHR 2005 was approved by the Legislative Decree no. 395 of 2009, *“Regulamento Sanitário Internacional (RSI 2005)”*

³ Article 36 of IHR 2005

⁴ Article 37 of IHR 2005

⁵ Article 39 of IHR 2005

Unlike the decommissioned certificates, the SSC is not limited to control of rodents. It identifies and records evidence of health and sanitary conditions on board and requires the application of comprehensive and detailed inspection procedures and techniques to prevent and control public health risks. There are two types of SSCs under the IHR 2005⁶:

Certificate	Condition
• Ship Sanitation Control Certificate (SSCC)	A SSCC is issued when there is evidence of a public health risk on board and health measures have been satisfactorily completed. The evidences found and control measures taken are recorded in the SSCC
• Ship Sanitation Control Exemption Certificate (SSCEC)	The SSCEC is issued when there is no evidence of public health risk and the competent authority is satisfied that the vessel is free from infection or contamination, including vectors (mosquitoes and rodents)

The SSCC is valid for a maximum of six months and the control measures required by the certifying health authority must be completed before a further SSCC is issued. The SSCEC, in turn, is valid for six months, extendable by one month if the inspection for renewal (or application of control measures, as may be required) cannot be accomplished at the port of arrival.

In cases where the SSC has been extended but the vessel constitutes a serious risk for the spread of disease, the necessary measures (disinfection, decontamination, disinsection, deratting or other actions) to prevent the spread of the infection or contamination, must be compulsorily performed at the next port of call.

The list of ports authorised to renew and/or extent SSCs – the so-called IHR authorised ports – is regularly updated and available for free consultation and download from the WHO public website⁷. Notable absentees from the list are the United States where no port at all is authorised to issue or extend SSC⁸.

4. Port health clearance

All vessels in transit or entering Brazilian ports are subject to port health controls and are required to obtain the *Certificado de Livre Prática* – CLP (certificate of free pratique) issued by ANVISA⁹, as a condition to enter the port and operate cargo, stores and passengers. Vessels that refuse to adhere to the regulations may continue their voyage but will not be allowed to call at Brazilian ports.

Among other mandatory documents, the vessel must provide a valid SSC as a condition to be granted with the required CLP, whether based solely on a documentary review or after vessel has successfully passed a sanitary inspection.

5. Common problems

The most frequent cause of problem for vessels obtaining free pratique is the failure to produce a SSCC or a SSCEC that has been issued by a IHR authorised port and is within its period of validity.

⁶ See attached specimen of SSCC/SSCEC

⁷ IHR 2005 authorised list of ports and other information submitted by the States Parties concerning ports authorized to issue SSCs can be downloaded at: http://www.who.int/ihr/ports_ai_rports/portslanding/en/

⁸ US ports adopt the purportedly stricter Vessel Sanitation Program (VSP) of the Center for Disease Control and Prevention (CDC) that operate under the authority of the Public Health Service Act (42 U.S.C. Section 264 Quarantine and Inspection Regulations to Control Communicable Diseases)

⁹ Articles 16 to 21 of ANVISA's Collegiate Directorate Resolution (*Resolução da Diretoria Colegiada*) – RDC no. 72, 2009, as amended by RDC no. 10, 2012

If a valid SSC issued by an IHR authorised port is not produced on demand, or if there is evidence of a public health risk on board, the vessel may be considered as an affected conveyance subject to health measures in which case the granting of the free pratique will be conditioned to the vessel firstly being issued with a new SSC, thereby ensuing delays, extra costs and expenses, loss of hire and possibly a fine.

Some ports and terminals in Brazil do not allow vessels to berth without producing a valid CLP issued by ANVISA, meaning that in places where the sanitary inspection is not carried out at anchorage, which is currently the case in the Port of Santos, the vessel has to firstly come alongside a layby berth, when and if available, to be inspected and granted the free pratique before being allowed to proceed to the operative berth where the cargo and passengers operations were originally scheduled to take place.

In cases where the vessel is allowed into an operative berth for the sanitary inspection for issuance of a SSC, particularly in a public port, the local port authority may charge double wharfage from the Owners due to the vessel remaining idle alongside a working berth.

6. Preventive measures to avoid problems

Since the SSC is valid for six months, its renewal must be scheduled and planned with sufficient time in advance of its expiration date.

It is recommendable that it is scheduled at least forty days before expiration for tramp vessels and no less than twenty days for the liners, so as to ensure that the vessel will reach an IHR authorised port within local health authority's working hours and avail of sufficient time during the call to undergo sanitary inspection and health control measures, if required.

Instead of relying solely on the advice of the local agent, the vessel's operators must consult WHO website list to certify that the intended port of call is in fact listed as only SSCs issued by an IHR authorised port are acceptable by ANVISA.

In Brazil, ANVISA issues and extends SSCs in all major ports in accordance with the IHR 2005 for a fixed public tariff¹⁰ that is payable through the official banking system – no cash payment is made directly to the health inspectors.

The inspection for the renewal or extension of the SSC by ANVISA must be booked in advance. In most Brazilian ports, the inspection only takes place during business days from 08:00 to 17:00 hours (local time). The actual working hours have to be doubled checked with the agents ahead of vessel's arrival.

Editor: Ricardo Martins

www.proinde.com.br

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¹⁰ As at May 2016, ANVISA public tariff to issue SSC is BRL 2,935.45

