

LP 06/2025 Brazil Clarifies Application of Maritime Transport Agreement with China

On 13 March 2025, the General Coordination of Migration Police (CGMIG/DPA/PF) issued an official circular clarifying the scope of the Maritime Transport Agreement between Brazil and China, now extending its applicability to additional regions.

I. Key Developments

1. Expanded Recognition of Chinese Jurisdictions

The Brazilian authorities have now confirmed that the Maritime Transport Agreement shall apply to seafarers from the following regions of China:

- **Macau, Hong Kong, and Taiwan**

Consequently, no infraction notices (Autos de Infração - AINs) shall be issued against shipowners for transporting seafarers from these jurisdictions on vessels flying any of those flags.

2. Impact on Pending Administrative Cases

- For ongoing cases still within the period for administrative defense or appeal, the Head of DELEMIG/RJ (Federal Police Immigration Division) has been instructed to accept defenses and appeals against previously issued infractions.
- This applies exclusively to cases where the fines are still subject to administrative review.

3. Judicial Reimbursement of Previously Paid Fines

- Shipowners who have already paid fines due to past infractions for carrying Chinese seafarers under this framework may now pursue judicial action to seek reimbursement.
- Given the express recognition of the Brazilian government's new stance, there is a legal basis for claims before the courts to recover amounts unduly paid.

II. Implications for Shipowners

- **Immediate Compliance Relief:** Vessels transporting Chinese seafarers from the newly recognized jurisdictions no longer risk infractions.
- **Ongoing Administrative Cases:** Shipowners with pending appeals should act swiftly to ensure their defenses are submitted within the applicable timeframe.
- **Financial Recovery Opportunity:** Shipowners who have already paid fines due to past infractions for carrying Chinese seafarers under this framework may now pursue judicial action to seek reimbursement. Given the express recognition of the Brazilian government's new stance, there is a legal basis for claims before the courts to recover amounts unduly paid.

This latest directive represents a significant shift in Brazilian enforcement policy and a notable step towards harmonizing the country's regulatory stance with its international commitments. We encourage all stakeholders to review their records and consider necessary legal actions.

Source: Rabb Carvalho Advogados

For more information, please contact Managers of the Association.