



OFFICIAL GAZETTE OF THE UNION

Published: 03/11/2022 | Edition: 208-A | Section: 1 - Extra A | Page: 2

Body: Ministry of Health/National Health Surveillance Agency/Collegiate Board

RESOLUTION - RDC N° 759, OF 3 NOVEMBER 2022

Provides for sanitary measures for the operation and for the embarkation and disembarkation of crewmembers of platforms located in Brazilian jurisdictional waters, on cargo, port, and maritime support vessels, including those with crewmembers coming from another country, due to the Public Health Emergency of International Concern - PHEIC arising from the SARS-CoV-2 pandemic.

The Collegiate Board of Directors of the National Health Surveillance Agency, in the use of the powers conferred on it by art. 15, III and IV, allied to art. 7, III and IV of Law No. 9,782 of 26 January 1999, and to art. 187, VI, § 1 of the Internal Regulations approved by the Resolution of the Collegiate Board of Directors - RDC N° 585 of 10 December 10 2021, resolves to adopt the following Resolution, as agreed upon at an Extraordinary Meeting RExtra N° 15, held on 3 November 2022, and I, Chief Executive Officer, determine its publication.

CHAPTER I

INITIAL PROVISIONS

Art. 1 This Resolution establishes the sanitary measures for the operation and for the embarkation and disembarkation of crew members on platforms located in Brazilian jurisdictional waters, in cargo, port and maritime support vessels, including those with crewmembers coming from another country, due to the Emergency of Public Health of International Concern - PHEIC resulting from the SARS-CoV-2 pandemic.

Art. 2 This Resolution applies to sanitary control ports installed in national territory, crew members, intervening authorities, visitors, non-crew professionals, platforms, cargo, port and maritime support vessels, and other means of waterway transport of health interest in long-haul or cabotage navigation.

Single paragraph. This regulation does not apply to the embarkation, disembarkation, and transport of crew members on cruise, sport and recreational vessels, sailboats, yachts, ferryboats, barges, ferries, and catamarans.

Art. 3 For the purposes of this Resolution, it is considered:

I- sanitary authority: competent authority in the field of health, which is directly in charge, and in its area of action, the prerogative to apply the appropriate sanitary measures following the laws and regulations in force in the national territory, treaties and other international acts to which Brazil is a signatory.

II- close contact: asymptomatic port facility worker or crew member who was close to a confirmed case of Covid-19 between two days before and ten days after the onset of signs or symptoms or the date of collection of the laboratory confirmation exam (if confirmed asymptomatic) of the case, in one of the following situations:

- a) had contact for more than fifteen minutes less than one meter away, with a confirmed case, without both wearing a face mask or using it incorrectly.
- b) had direct physical contact, such as handshakes and hugs, with a confirmed case, without both wearing a face mask or using it incorrectly.
- c) remained less than one meter away during transport for more than fifteen minutes, without both wearing a face mask or using it incorrectly; or
- d) shared the same cabin or home environment with a confirmed case, including dormitories and lodgings.

III- vessel: construction subject to registration with the maritime authority and susceptible or not of moving on water, by its own means or not, transporting or housing people or cargo.

IV- complete primary vaccination schedule: administration of all doses, as directed by the Ministry of Health, necessary for the primary vaccination schedule of the vaccine against Covid-19, plus the time for the immune system to constitute a minimally protective response, which, in general, is 14 (fourteen) days or another period approved by Anvisa, the World Health Organization or the authorities of the country where the crew member was immunised.

V- public health event: it is a situation that may constitute a potential threat to public health, such as the occurrence of an outbreak or epidemic, disease, or aggravation of unknown cause, change in the clinical-epidemiological pattern of known diseases, considering the potential for dissemination, the magnitude, seriousness, severity, transcendence, and vulnerability, as well as epizootics or injuries resulting from disasters or accidents.

VI - Sanitary inspection anchorage: point defined in the nautical chart after consultation with the maritime, port, and sanitary authorities.

VII- sanitary inspection: on-site investigation of the existence or not of risk factors that could harm health or the environment, including documentary analysis.

VIII- isolation: it is the separation of infected from uninfected individuals during the period of transmissibility of the disease when it is possible to transmit the pathogen in conditions of infecting another person.

IX- maritime support navigation: navigation carried out for logistical support to vessels and installations in national territorial waters and in the exclusive economic zone, which operate in the activities of research and mining of minerals and hydrocarbons.

X- port support navigation: navigation carried out exclusively within ports and waterway terminals to serve vessels and port facilities; and

XI- open sea navigation: carried out in maritime waters considered to be unsheltered, which may be:

- a) long haul: carried out between Brazilian and foreign ports; and
- b) cabotage: carried out between ports or terminals in Brazilian territory, using the maritime route or this and inland waterways.

XII- notification: mandatory communication to the health authority designated in the Contingency Plans for Public Health Emergencies, carried out by medical doctors, health professionals or those responsible for the vessel about the occurrence of suspect or confirmed disease, aggravation, or public health event.

XIII- platform: installation or structure, fixed or floating, intended for activities directly or indirectly related to research, exploration and exploitation of resources originating from the bed of inland waters and their subsoil or from the sea, including the continental shelf and its subsoil.

XIV- port of sanitary control: organised ports, waterway terminals and terminals for private use, strategically defined from the epidemiological and geographical point of view, located in the national territory, where the development of sanitary control actions is justified.

XV - non-crew professional: anyone who, without exercising attributions directly linked to the vessel's operation, provides occasional services on board.

XVI- quarantine: restriction of activities and/or separation of suspect crew members from crew members who are not sick or from suspect luggage, containers, means of transport or merchandise to avoid the possible spread of infection or contamination.

XVII- legal representative of the vessel or platform: natural or legal person invested with legal powers to perform acts on behalf of the owner, shipowner or direct responsible, agent to manage or administer its business in the Country, constituting its agent, servant, representative or consignee.

XVIII - directly responsible for the vessel or platform: natural or legal person in whose name the vessel is registered or chartered before the maritime authority.

XIX- risk to public health: the probability of an event that may adversely affect the population's health, with emphasis on international dissemination, or that may represent a serious and direct danger.

XX- outbreak on a vessel or platform: the situation in which there are 3 (three) or more cases of Covid-19 among the total crew within a period of 7 (seven) days.

XXI- waterway terminal: docking point for vessels, such as fishing terminals, marinas, and others, not covered by the port concepts of Law N° 12,815 of 5 June 2013, located in the national territory, subject to sanitary control; and

XXII - crewmember: any person travelling or on board, including stowaway and family members of crew members, on board vessels or platforms.

XXIII- Variant of Concern (VOC): SARS-CoV-2 variant that, through a comparative assessment, is shown to be associated with one or more of the following changes to a degree of significance for global public health:

- a) increased transmissibility or harmful change in the epidemiology of Covid-19; or
- b) increase in virulence or change in the clinical presentation of the disease; or
- c) decreased effectiveness of social and public health measures or available diagnoses, vaccines, and therapies.

CHAPTER II

REQUIREMENTS FOR VESSEL AND PLATFORM OPERATIONS

Section I

Procedures for preventing and responding to Covid-19 cases

Art. 4. The person directly responsible for the vessel or platform must ensure that onboard procedures and instructions are prepared with a view to preventing, controlling, and responding to cases of Covid-19.

§1 The measures provided must be complied with by all persons on board, whether crewmembers, visitors, service providers on board or authorities involved in the exercise of their functions.

§2 The procedures related to the prevention, control, and response to cases of Covid-19 must be widely disclosed to those involved in their execution.

§3 The procedures provided in this article must be available on the vessel or on the platform and may be requested by the health authority and, if necessary, required copies (digital or physical) signed by the master or by the person in charge designated by him.

Art. 5. The vessel or platform must have a Cleaning and Disinfection Plan (CDP) and keep a record of the procedures adopted for inspection purposes, pursuant to Collegiate Board Resolution - RDC n° 72 of 29 December 2009, or another that would replace it, and the Resolution of the Collegiate Board of Directors - RDC N° 661, of 30 March 2022, or another that would replace it.

Single paragraph. A specific plan for situations of Covid-19 cases identified on board must be established and executed by a qualified team.

Art. 6. The vessel or platform must have a Solid Waste Management Plan (SWMP) and keep a record of the procedures adopted for inspection purposes under the terms of the Collegiate Board Resolution - RDC N° 661 of 30 March 2022 or another that would come to replace it.

Art. 7. When there are suspected or confirmed cases of Covid-19 on board, solid waste classified as infectious according to Collegiate Board Resolution - RDC N° 661/2022, or another that may replace it, must be submitted to on board, in accordance with the SWMP, and must be treated by a methodology that guarantees microbiological inactivation.

Art.8 The vessel or platform must have a maintenance, operation and control plan for the air conditioning system and pipelines, including cleaning and maintenance procedures recommended by the filter manufacturer, pursuant to Resolution-RE N° 09 of 16 January 2003, or another that would replace it.

Section II

Procedures and requirements for embarkation and disembarkation of crewmembers, non-crew professionals, visitors and authorities involved in vessels and platforms

Subsection I

The requirements for boarding

Art. 9. It is mandatory for crewmembers, non-crew professionals, visitors, and intervening authorities to present proof of a complete primary vaccination schedule against Covid-19 or document proving the performance of a test to screen for infection by SARS-CoV-2 (Covid-19) with a negative or non-

detectable result, such as a rapid antigen test or molecular test, carried out up to one day before boarding.

§1 It is incumbent upon the person in charge or legal representative of the vessel or platform to require the crew member to present the documentation described in the *caput* of this article as a condition for the initial boarding.

§2 Approved, registered or with authorization for emergency use granted by Anvisa or the World Health Organization (WHO) or by the authorities of the country where the traveller was immunised are accepted.

§3 The vaccinated foreigners and Brazilians may present official proof of vaccination, printed or electronically, from the country where they were vaccinated to meet the requirement set out in the *caput*.

§4 In the case of rapid antigen tests, self-test will not be accepted.

Art. 10. For the boarding of non-crew professionals, visitors, intervening authorities and other people who access the vessel or platform, the requirement to present proof of a complete primary vaccination schedule against Covid-19 or a document proving the performance of a test for screening for SARS-CoV-2 (Covid-19) infection, with a negative or non-detectable result established in article 9 of this Resolution, provided that their stay is limited to 6 hours and the following requirements are observed:

I- do not show signs and symptoms compatible with Covid-19; and

II- use surgical masks or PFF2/N95 masks during the entire period of stay on the vessel.

Subsection II

The requirements for landing

Art. 11. The entry into the Country of crewmembers, Brazilians or foreigners of international origin, is authorised provided that the person responsible for the vessel is presented with proof of a complete primary vaccination schedule against Covid-19 or a document proving the performance of a test to screen the infection by the SARS-CoV-2 (Covid-19), with a negative or non-detectable result, of the rapid antigen test or molecular test, carried out up to one day before entering the country, pursuant to Ordinance N° 678 of 12 September 2022, or another that would replace it.

Single paragraph. In the case of rapid antigen tests, self-test will not be accepted.

Art.12. The disembarkation and the license to come ashore (shore leave) of crewmembers, Brazilian or foreign nationals of international origin who have already carried out the migratory control provided for in art. 11 of this Resolution, or those shipped in national territory, is authorised without the need to provide proof of vaccination against Covid-19 or to carry out a test to screen for infection by SARS-CoV-2, provided that they do not fall within the classification of a suspect or confirmed case or close contact.

Art. 13. In case of a need to disembark crew members for health care, the person directly responsible or legal representative for the vessel or platform must request authorisation from the health authority of the port of destination or operation.

§1 The request referred to in the *caput* of this article must contain the following information.

I - full name of the crew member.

II- nationality.

III- number of the identification document.

IV- date of birth.

V- date and place of departure.

VI- date and time scheduled for disembarkation.

VII- vaccination status for Covid-19.

VIII- travel history in the last 14 days.

IX- function on board.

X- cabin number.

XI - reason for disembarkation.

XII- clinical conditions:

a) observed symptoms.

b) onset of symptoms (date and time);

c) administered drugs; and

d) results of examinations carried out on board.

XIII- the name of the company responsible for the removal and transport; and

XIV- name, address, and telephone number of the crew member's health service.

§2 The disembarkation may be carried out without prior authorisation from the health authority in cases of urgency and health emergency, provided that the port's security protocols and contingency plans are observed.

§3 In the event provided for in §2, the information listed in the items must be forwarded to the health authority of the port of destination or port of call within a period of up to 4 (four) hours after disembarkation.

Art. 14. During removal and transport for health care, all occupants of the vehicles used must wear a surgical mask or PFF2/N95 mask, except when the mask is not well tolerated by the patient due to his clinical conditions.

Art. 15. Air taxi companies authorized to perform aeromedical services for the disembarkation of crewmembers must comply with the provisions of the "Guide for Aeromedical Transport Services for Passengers with COVID-19", published by Anvisa and available at the electronic address <http://antigo.anvisa.gov.br/guias#/visualizar/463890>, or another that would replace it.

Art.16. The report of the clinical evolution of the crew member who disembarked for health care during hospitalisation must be sent to Anvisa when finalised.

Art.17. The disembarkation of crewmembers, Brazilian or foreign nationals, classified as confirmed or suspect cases or close contacts, must be requested from the health authority of the port or airport where the disembarkation will take place.

§1 The authorisation for disembarkation is conditioned to the guarantee, by the direct responsible or legal representative of the vessel or platform, of safe transport of the crew to the place where they will complete the period of isolation.

§2 If it is impossible to immediately transport the crew member to his/her residence after disembarkation, the person in charge or the legal representative of the vessel or platform must guarantee accommodation in a shore facility designated by him/her for isolation.

§3 The person directly responsible or legal representative for the vessel or platform must submit to the health authority of the health control port where the landing will take place a list with the following information:

I - full name of the crew member.

II- nationality.

III- number of the identification document.

IV- date of birth.

V- address of the isolation site.

VI - telephone.

VII- email; and

VIII- the identity of the crew member as a confirmed case, suspected case, or close contact.

§4 The crew must disembark wearing a surgical mask or PFF2/N95.

Section III

Procedures for responding to Covid-19 cases

Subsection I

Handling suspected, confirmed, and close contacts

Art. 18. Crewmembers on board a vessel or platform with signs and symptoms of influenza-like illness should be immediately isolated and, as soon as possible, tested for SARS-CoV-2 infection by rapid antigen test or molecular testing.

Single paragraph. The symptomatic crewmember, with a negative or non-reactive test for Covid-19 in a rapid antigen test or molecular test, must remain in isolation until he has improved respiratory symptoms and is afebrile, without using antipyretic drugs, for at least 24 hours (twenty-four hours).

Art. 19. The crewmember with a positive, detectable, or reactive result must remain isolated.

§1 The isolation must be for a period of 10 (ten) full days for mild or moderate flu-like illness and 20 (twenty) days for severe/critical acute respiratory syndrome, counted from the onset of symptoms.

§2 For counting purposes, day zero (day 0) is the day of symptom onset, day 1 is the first full day (24 hours) after the onset of symptoms, and so on.

§3 The isolation may be suspended after the 5th full day (that is, on the 6th day of symptoms) from the onset of symptoms, if a rapid antigen test or molecular test is performed, with a negative or non-reactive result, at the end of the 5th day, and the patient has improved respiratory symptoms and is afebrile without using antipyretics in the last 24 (twenty-four) hours.

§4 The isolation may be suspended after the 7th full day (that is, on the 8th day of symptoms) for immunocompetent crew members with mild symptoms, with an improvement of respiratory symptoms and afebrile, without using antipyretic drugs, for at least 24 (twenty-four) hours.

§5 If isolation is suspended before the 10th day, as described in § 3 and §4 of this article, the crew member must wear a surgical mask or PFF2/N95 mask until the 10th full day, in addition to avoiding contact with people at greater risk of worsening by Covid-19.

§6 If the crewmember cannot wear surgical masks or PFF2/N95, isolation must be maintained until the 10th full day.

§7 Once the prescribed period of 10 (ten) days has been fulfilled, the isolation can be ended if the crew member remains afebrile without using antipyretic drugs for at least 24 (twenty-four) hours and with remission of respiratory symptoms.

§8 In the case of rapid antigen tests, self-test will not be accepted.

§9 For confirmed asymptomatic cases, the periods of isolation provided for in §§1 to 7 of the *caput* will be counted from the date of collection of the sample for testing.

Art. 20. The isolation of confirmed cases may take place on board the vessel or in a place designated on land for the same, and the crew member may fulfil the period of isolation at his residence or hotel.

Art. 21. Asymptomatic close contacts of a confirmed case of Covid-19 should be tested immediately and monitored for signs and symptoms until day 10.

§1 During the monitoring period, asymptomatic close contacts must adopt the following measures:

- I- mandatory use of surgical masks or PFF2/N95, including outdoors.
- II - having meals at staggered times.
- III - suspension of recreational activities; and
- IV- suspension of license to descend on land (shore leave).

§2 If the close contact of a confirmed case is unable to use a face mask, it must remain isolated for 10 days.

Art. 22. If the suspected case is ruled out, with a negative or non-reactive Covid-19 test result, in a molecular test, close contacts, if they are asymptomatic, should be exempted from monitoring.

Subsection II

Notification of events of suspected and confirmed cases of Covid-19

Art. 23. The person responsible for the vessel or platform must immediately notify the Anvisa unit responsible for the port of the occurrence of cases of Covid-19 and other compulsory notification diseases defined by the Ministry of Health in Ordinance GM/MS N° 3418 of 31 August 2022, or another that would replace it.

Single paragraph. The vessel or platform must update notifications already made in the following situations:

- I- in the occurrence of atypical behaviour of onboard events.
- II- increase in the number of cases or in the severity of the event; or
- III - when there is a need to disembark for health care or death on board.

Subsection III

Contingency actions in the event of an outbreak on the vessel and platform

Art. 24. When the vessel or platform is in an outbreak, it will be up to the person directly responsible to communicate the fact immediately to Anvisa.

Art. 25. In the situation of a vessel and platform in an outbreak, the person directly responsible for the vessel or platform must ensure the adoption of the measures provided for in the protocols, in addition to:

I- increase the monitoring of the health condition of the crew.

II- reduce the number of crew in their feeding environments.

III- provide surgical masks or PFF2/N95 masks for all crewmembers to be used when they are outside their cabins; and

IV- promote communication with the crew about the health situation of the vessel/platform and the procedures to be adopted to mitigate the risk of contagion and contamination.

Art. 26. Anvisa may determine the quarantine of the vessel in the face of indications of cases on board related to a variant of concern (VOC) of SARS-CoV-2 that is not in sustained transmission in the national territory and/or serious cases identified on board.

§1 The person directly responsible for the vessel may, alternatively to the quarantine of the vessel, change the crew and must:

I - disembark the entire crew to perform a 10 (ten) day isolation period on land.

II- perform the cleaning and disinfection of all surfaces and shared spaces on board.

III- dispose of all waste on board; and

IV- board a new crew to resume operations.

§2 In the vessel's quarantine situation, all crew members will be considered close contacts, except for confirmed and suspect cases.

Art. 27. If the vessel needs to be quarantined, the decision to moor or maintain the vessel at an anchorage for health inspection must follow the provisions of the contingency plan for responding to public health events in the port.

Single paragraph. The vessel moored in the port must remain in an isolated area with the access ladder raised, and access by people without the express consent of the local Anvisa unit responsible for the port is not allowed.

Art. 28. During the vessel's quarantine period, crewmembers are not allowed to come shore (shore leave) or to embark.

Art. 29. In case of an outbreak or quarantine of the vessel, the disembarkation of the crew must follow the established in Subsection II, Section II - Requirements for the disembarkation of crewmembers, of Chapter II of this Resolution.

Art. 30. Access to the vessel in the vessel's quarantine situation will be authorised by the Anvisa unit responsible for the sanitary control of the berthing or anchorage port in emergency situations and essential to the safety of navigation and human life and for the supply of basic supplies.

Art. 31. The end of the vessel's quarantine will be determined by Anvisa.

CHAPTER III

COMPLEMENTARY SPECIFIC PROVISIONS

From port administrators, consignees, lessees, or lessees

Art. 32. The designated sanitary control port must have an updated Contingency Plan for Public Health Emergencies agreed with Anvisa, state and municipality, as well as other public authorities and private entities involved in responding to this type of event.

Art. 33. The port administration must:

I- ensure the safety of the terminal, the vessel, and the crew during the entire period of compliance with the vessel's quarantine measure, and must respect and comply with the access and circulation restrictions determined by Anvisa; and

II- have structure and procedures that ensure the supply of drinking water, food, cleaning and disinfection of environments, collection, and removal of solid waste and sanitary effluents during the period of permanence of the vessel in the port.

Art. 34. The occurrence of suspected and confirmed cases of Covid-19 and other notifiable diseases must be reported to Anvisa.

Single paragraph. The occurrence of a public health event implies the immediate activation of the contingency plan for public health emergencies.

CHAPTER IV

FINAL PROVISIONS

Art. 35. The activities of vessels, platforms and ports provided for in this Resolution may be suspended, as determined by Anvisa, because of the identification of risks to public health or failure to comply with current health regulations.

Art. 36. Omissions related to the application of this Resolution will be resolved by the Fifth Board of Anvisa upon the prior technical manifestation of the General Management of Ports, Airports, Borders, and Customs Enclosures.

Art. 37. Failure to comply with the provisions of this Resolution constitutes a sanitary infraction, under the terms of Law N° 6,437 of 20 August 1977, without prejudice to applicable civil, administrative, and criminal liabilities.

Art. 38. The following are hereby revoked:

I- the Resolution of the Collegiate Board of Directors - RDC N° 584 of 8 December 2021.

II- the Resolution of the Collegiate Board of Directors - RDC N° 605 of 11 February 2022; and

III - item XVII, art. 2, of the Resolution of the Collegiate Board of Directors - RDC N° 683 of 12 May 2022.

Art. 39. This Resolution enters into force on the date of its publication.

ANTONIO BARRA TORRES

Chief Executive Officer