

AGREEMENT ON IMPORT LICENSING PROCEDURES

Notification under Article 5

BRAZIL

The following communication, dated 14 April 2010, is being circulated at the request of the delegation of Brazil.

(a) List of products subject to licensing procedures

As a general rule, import licensing is not required in Brazil. However, whenever import licensing is requested, application for both automatic import licensing and non-automatic import licensing are effected using Brazil's electronic system of foreign trade, known as SISCOMEX.

The list of products subject to import licensing is available on the webpage of the Ministry of Development, Industry and Foreign Trade (www.mdic.gov.br) and also on the SISCOMEX.

(b) Contact point for information on eligibility

Contact must be made with the Department of Foreign Trade Operations (DECEX), subordinated to the Foreign Trade Secretariat (SECEX) of the Ministry of Development, Industry and Foreign Trade (MDIC), at the following address:

- Esplanada dos Ministérios, Bloco J, 3º andar- Brasília (DF), Brasil

Information may also be directly obtained by accessing SISCOMEX.

(c) Administrative bodies for submission of applications

Applications must be submitted to the Department of Foreign Trade Operations (DECEX). It is worth mentioning that since 1997, when SISCOMEX was implemented, the importer is able to access and register import licenses directly from his/her company, or by means of authorized banks, specialized companies, entities and firms which deal with the cited system.

Depending on the product, the following Governmental bodies may be also in charge of the licensing:

ANCINE – National Cinema Agency;
ANEEL – National Electric Energy Agency;
ANP – National Petroleum Agency;

ANVISA – National Health Surveillance Agency;
CNEN – Brazilian Nuclear Energy Commission;
DFPC – Brazilian Army;
DNPM – National Department of Mineral Production;
DPF – Department of Federal Police;
EBCT – Brazilian Mail and Telegraph Company;
IBAMA – Brazilian Institute of Environment and Natural Renewable Resources;
INMETRO-National Institute of Metrology, Standardization and Industrial Quality;
MAPA – Ministry of Agriculture, Livestock and Supply;
MCT – Ministry of Science and Technology.

The list of the products which are subject to automatic and non-automatic licensing, the contact information of the competent Governmental body and the concerned legislation can be found on the webpage of the Ministry of Development, Industry and Foreign Trade (www.mdic.gov.br).

(d) Date and name of publication where import licensing procedures are published

- Ministerial Act MDIC no. 235 of 7 December 2006, published in the Official Gazette on 8 December 2006;
- Ministerial Act MDIC No 77 of 19 March 2009, published in the Official Gazette on 23 March 2009;
- Ministerial Act MDIC No 92 of 30 April 2009, published in the Official Gazette on 4 May 2009;
- Ministerial Act MDIC No 171 of 1 September 2009, published in the Official Gazette on 3 September 2009;
- Ministerial Act MDIC No 207 of 8 December 2009, published in the Official Gazette on 9 December 2009;
- Ministerial Act SECEX No 25 of 27 November 2008¹, published in the Official Gazette on 28 November 2008;
- Ministerial Act SECEX No 1 of 14 January 2009, published in the Official Gazette on 15 January 2009;
- Ministerial Act SECEX No 3 of 19 February 2009, published in the Official Gazette on 20 February 2009;
- Ministerial Act SECEX No 6 of 31 March 2009, published in the Official Gazette on 1 April 2009;
- Ministerial Act SECEX No 7 of 1 April 2009, published in the Official Gazette on 3 April 2009;
- Ministerial Act SECEX No 10 of 7 May 2009, published in the Official Gazette on 8 May 2009;
- Ministerial Act SECEX No 12 of 27 May 2009, published in the Official Gazette on 29 May 2009;
- Ministerial Act SECEX No 18 of 30 June 2009, published in the Official Gazette on 1 July 2009;
- Ministerial Act SECEX No 19 of 8 July 2009, published in the Official Gazette on 10 July 2009;
- Ministerial Act SECEX No 24 of 26 August 2009, published in the Official Gazette on 28 August 2009;
- Ministerial Act SECEX No 26 of 4 September 2009, published in the Official Gazette on 11 September 2009;
- Ministerial Act SECEX No 29 of 18 September 2009, published in the Official Gazette on 22 September 2009;
- Ministerial Act SECEX No 30 of 28 October 2009, published in the Official Gazette on 29 October 2009.

Note: Automatic consolidation of all Ministerial Acts related to imports - "Consolidation of Directives SECEX (importation)" - is available on the above mentioned webpage.

¹ Available for consultation in the Secretariat (Market Access Division) (Portuguese only).

(e) Indication of whether the procedure is automatic or non-automatic

Such indication is available in Ministerial Act SECEX No 25/2008 and on the web page of the Ministry of Development, Industry and Foreign Trade. Currently, both modalities of licensing are applied.

(f) Administrative purpose of automatic licensing procedures

Information obtained by SISCOMEX is used for statistic monitoring, follow-up of the trade flows related to drawback operations, which involve legal suspension of taxes, or to some products of interest to the foreign trade policy.

(g) Indication of the measure being implemented through the non-automatic licensing procedure

According to legislation mentioned in the notifications under articles 1.4(a) and 8.2(b), the following types of operations constitute examples of situations in which there is licensing control on the part of governmental bodies. This is a non-exhaustive list:

- products which may pose risks to human, animal or plant health;
- products which may cause environmental damage;
- products classified as weapons or made for warlike objectives;
- products subject to non-tariff and tariff quotas as established in Agreements of the Uruguay Round;
- products subject to trade defense measures established in accordance with the WTO agreements.

(h) Expected duration of the licensing procedures

There is no deadline for the elimination of the adopted measures, considering the importance of the goals indicated in indent "g", above. As for products subject to non-tariff quotas, the duration of the licensing procedure is restricted to the period established in the international agreement.
