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**Committee on Anti-Dumping Practices**  
**Committee on Subsidies and Countervailing Measures**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

BRAZIL

*Supplement*

The following notification, dated and received on 9 May 2023, is being circulated at the request of the delegation of Brazil.

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**SECEX ORDINANCE N. 237, OF 7 MARCH, 2023.**

Makes the public interest assessment optional in original dumping and subsidy investigations.

THE SUBSTITUTE FOREIGN TRADE SECRETARY, OF THE MINISTRY OF DEVELOPMENT, INDUSTRY, TRADE AND SERVICES, in the use of the attributions conferred upon it by items V and VI of art. 21 of Decree No. 11.340, of January 1, 2023, and based on art. 3 of Decree No. 8058, of July 26, 2013, and in art. 4 of Decree No. 10.839, of October 18, 2021, resolves:

Article 1. Make it optional to carry out a public interest assessment in the original investigations of dumping and subsidies referred to in SECEX Ordinance No. 13, of January 29, 2020, published in the Official Gazette of January 30, 2020.

Article 2. Article 6 of SECEX Ordinance No. 13, of January 29, 2020, published in the Official Gazette of January 30, 2020, is now in force with the following wording:

"Article 6. In original dumping or subsidies investigations and in sunset reviews of anti-dumping or countervailing measures, the public interest assessment will be optional, upon request based on a duly completed Public Interest Questionnaire, or ex officio, at the discretion of the Department of Trade Remedies.

Paragraph 1. Concomitantly to the publication of Act of the Secretariat of Foreign Trade containing the deadlines for original investigations or sunset reviews or containing preliminary determinations, if applicable to the case, drawn up in the original investigation or in sunset review, the Department of Trade Remedies will present, except in the hypotheses of Paragraphs 4 and 5, their preliminary determinations of the public interest test, which will subsidize the decision on the opening or not of an of public interest assessment.

Paragraph 2. The Department of Trade Remedies shall base their preliminary determinations according to the information submitted by interested parties and by members and guests of the Executive Committee of Management, of the Foreign Trade Chamber, in accordance to Decree n. 11,428, 2023, and its respective regulation, until the deadline for submitting the questionnaire of public interest, which must be submitted within the same period granted to

the importer or the national producer for the submission of their respective questionnaires in original investigations or sunset reviews of an anti-dumping or countervailing measure.

Paragraph 3. At the discretion of the Department of Trade Remedies, upon request accompanied by a justification filed in the corresponding public interest assessment procedure under the SEI / MDIC, the period provided for in paragraph 2 may be extended by up to 30 (thirty) days.

Paragraph 4. The questionnaires of public interest submitted after the deadlines provided for in paragraphs 2 and 3 may be considered for the purpose of final determination if they are submitted within 60 (sixty) days from the date of publication of the preliminary determinations.

Paragraph 5. In cases in which there is no need of in locus verification of the information presented in the questionnaire of public interest, the deadline referred to in the preceding paragraph may be extended for up to 30 days, subject to prior request by the interested party and deferment by the Department of Trade Remedies.

Paragraph 6. Public interest assessments shall not be admitted in original investigations or in sunset reviews of anti-dumping or countervailing measures upon request submitted by interested parties based on a Public Interest Questionnaire which does not present, in the narrative of their facts and foundations, public interest elements and / or minimum elements of intelligibility, and the Department of Trade Remedies can reject the petition, without analysis of the merit.

Paragraph 7. The opening of public interest assessment in original investigations or in sunset reviews of anti-dumping or countervailing measures will not be admitted if the request based on a Public Interest Questionnaire is submitted exclusively by foreign producers or exporters or any of their related parties and/or by foreign governments that do not cooperate with the ongoing original investigation or sunset review.

Paragraph 8. If a public interest assessment has been opened, the Department of Trade Remedies, concurrently with the final determination within the scope of the original investigation or sunset review of the antidumping or countervailing measure, will present its final conclusions regarding the public interest assessment, which will subsidize the final decision of the competent authority.

Paragraph 9. The Department of Trade Remedies will base its final conclusions on the information brought to the file by the interested parties and by the members and guests of the Executive Management Committee of the Foreign Trade Chamber in the period between the beginning of the original investigation or sunset review of anti-dumping or countervailing measure and the end of the evidentiary phase, except for the hypotheses of paragraphs 4 and 5.

Paragraph 10. The Department of Trade Remedies may use information available in the records of the original investigation or sunset review of antidumping or countervailing measure and alternative sources of information."

Article 3. Article 5 of SECEX Ordinance No. 13, of January 29, 2020, published in the Official Gazette of January 30, 2020, is hereby revoked.

Article 4. This Ordinance comes into force from March 15, 2023.

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