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Committee on Import Licensing

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AGREEMENT ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 5.1-5.4 OF THE AGREEMENT¹

BRAZIL

The following notification, dated 23 August 2016, is being circulated at the request of the delegation of Brazil.

1. (a) Title / number / date of the law or regulation establishing / changing the import licensing procedure:

- Decreto nº660, of 25 September 1992, instituting Brazil's Foreign Trade Integrated System (SISCOMEX), as amended by Decreto nº8229, of 22 April 2014, adapting SISCOMEX to Brazil's single window initiative. Latest version published in Brazil's Official Gazette on 23 April 2014.

- Decreto nº2.413, of 4 December 1997, altered by Decreto nº 5.473, of 21 June 2005, establishes the authority of the National Nuclear Energy Commission (CNEN) over the extraction, production, import and export of minerals and lithium ores and derivatives. Published in Brazil's Official Gazette (Diário Oficial da União) on 5 December 1997.

- Portaria Interministerial MF/MICT nº291, of 12 December 1996, on processing import operations within SISCOMEX. Published in Brazil's Official Gazette on 13 December 1996.

- Portaria SECEX nº23, of 14 July 2011, consolidating regulations on foreign trade operations. Chapter II regulates import licenses in Brazil, as amended by further Portarias. Published in Brazil's Official Gazette on 19 July 2011.

- Portaria DECEX nº8, of 13 May 1991, on the import of used goods, as amended by further Portarias. Published in Brazil's Official Gazette on 13 May 1991.

(b) If the notified measure refers to a change in an already notified import licensing procedure, please indicate the document symbol of the notification to which change(s) has(ve) been introduced. (In this case please also indicate in Section 3, below, the nature of the changes (i.e. inclusion or exclusion of some goods and a list thereof; contact point for information and/or administrative body(ies) for submission of applications, etc.):

2. Information concerning the institution / change of import licensing procedure:

(a) List of products subject to the licensing procedure (Exact name of the products and/or whenever possible HS code and indication of the exact HS Nomenclature (i.e. 1996; 2002 or 2007). Abbreviations should be avoided. In the case of a long list of products, please attach the list as an Annex in Microsoft Word or compatible software. Please do not use PDF, or photocopies.)

The lists of products subject to import licensing are available at the SISCOMEX website <http://www.portalsiscomex.gov.br/>, and may be found as well on Brazil's Ministry of Industry, Foreign Trade and Services (MDIC) website

<http://www.mdic.gov.br/comercio-exterior/importacao/tratamento-administrativo-de-importacao>.

Whenever an import license is required, applications for both automatic and non-automatic import licensing are achieved using Brazil's Foreign Trade Integrated System (SISCOMEX). SISCOMEX is Brazil's ongoing single window initiative, a work still in progress, to which all other online and offline import-related procedures are converging.

(b) Contact point for information on eligibility

The focal point for information on import licensing is the Department for Foreign Trade Competitiveness (DECOE), a unit pertaining to Brazil's Foreign Trade Secretariat (SECEX), under the Ministry of Industry, Foreign Trade and Services (MDIC), available at the following electronic address:

<http://decoe.cgnf@mdic.gov.br>. Enquiries should be addressed to the Coordinator-General of Rules for Trade Facilitation and Foreign Trade Competitiveness. Information may also be obtained through the SISCOMEX website or at the following address:

Secretaria de Comércio Exterior (SECEX)
Address: EQN 102/103, Lote 1, Asa Norte
CEP: 70722-400
Brasília, DF, Brasil

(c) Administrative body(ies) for submission of applications *(If more than one please include the same information for each body.)*

Applications are submitted through SISCOMEX to the Department of Foreign Trade Operations (DECEX), a unit of Brazil's Foreign Trade Secretariat (SECEX), which is the main office for managing import licenses. Depending on the product, the following governmental bodies may take part in the licensing procedures:

ANCINE – National Cinema Agency; ANEEL – National Electric Energy Agency; ANP – National Petroleum Agency; ANVISA – National Health Surveillance Agency; CNEN – Brazilian Nuclear Energy Commission; CNPq – National Council for Scientific and Technological Development; DFPC – Board of Controlled Products (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; MCTI – Ministry of Science, Technology and Innovation; SUFRAMA – Manaus Free Trade Zone Superintendence.

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

Date of publication:

Source of publication (Official Gazette /journal/ website):

- Decreto nº 660, of 25 September 1992, instituting Brazil's Foreign Trade Integrated System (SISCOMEX), as amended by Decreto nº 8229, of 22 April 2014, adapting SISCOMEX to Brazil's single window initiative. Latest version published in Brazil's Official Gazette on 23 April 2014.

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- Portaria DECEX nº 8, of 13 May 1991, on used goods imports, as amended by further Portarias. Published in Brazil's Official Gazette on 13 May 1991.

All rules, as well as their updates and amendments, are available online at SISCOMEX website (<http://www.portalsiscomex.gov.br/legislacao>) (Portuguese only).

(e) Indication of whether the licensing procedure is

[X] automatic. If so please indicate: **(f) the administrative purpose:** Monitoring through automatic licenses is used for statistical purposes.

Information on whether the procedure is automatic or non-automatic depends on each specific product and is available online at the SISCOMEX website.

[X] non-automatic. If so please indicate: **(g) the measure being implemented through the import licensing procedure:** Non-automatic import licensing in Brazil is used to monitor products that may pose risks to human, animal, or plant health, or that may cause environmental damage. Weapons and other products that could be used for military purposes are also subject to non-automatic import licenses due to safety and security reasons. Non-automatic licenses are also used for products subject to tariff quotas, in accordance with WTO agreements.

The following operations are subject to non-automatic import licensing: imports processed under the Manaus Free Trade Zone and other free trade areas special regimes; imports subject to licensing by Brazil's National Council on Scientific and Technological Development; used goods imports, subject to the exceptions set out in paragraphs 2 and 3 of Article 43 of Portaria SECEX nº 23/2011; imports originated in countries with restrictions contained in Resolutions by the United Nations; importation of goods for replacement, as regulated by Portaria MF nº 150, July 26 1982; operations that may indicate fraud; goods subject to trade remedy measures and goods identical to those subject to trade remedy measures, when originated from producers or countries not subject to those measures.

(h) Expected duration of the licensing procedure if this can be estimated with some probability, and if not, reason why this information cannot be provided

There is no deadline for the duration of the adopted measures, considering the importance of the goals indicated in item (g), above.

3. Other relevant data or information: *(i.e. complete title and data concerning the legislation, inclusion or exclusion of certain products from the import licensing regime and list thereof; changes related to the administrative body(ies) for submission of applications, etc.)*

¹ "Members which institute licensing procedures or changes in these procedures shall notify the Committee of such within 60 days of publication [...]" (Art. 5.1).