



31 August 2016

(16-4603)

Page: 1/3

Committee on Import Licensing

Original: English

## AGREEMENT ON IMPORT LICENSING PROCEDURES

### NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

#### BRAZIL

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

#### Outline of system

1. As a rule, the Brazilian import regime does not require licensing. For some products, automatic import licensing and non-automatic import licensing are managed through the Foreign Trade Integrated System (SISCOMEX). All import licenses must be required through Portal Siscomex. The administrative procedures are electronic-based, so as to make the process more efficient and faster.

#### Purpose and coverage of licensing

2. The products subject to automatic licensing are listed in SISCOMEX and can also be found on the web page of the Ministry of Industry, Foreign Trade and Services – MDIC (<http://www.mdic.gov.br/comercio-exterior/importacao/tratamento-administrativo-de-importacao>). Products under the special customs regime of duty drawback are also subject to automatic licensing. Products subject to non-automatic licensing are listed in the Administrative Treatment of SISCOMEX (<http://portal.siscomex.gov.br/informativos/bens-sujeitos-a-tratamento-administrativo>) and can also be found on the web page of MDIC. In their majority, they are products which may cause damage to human, plant or animal health; products capable of causing environmental damage; products classified as weapons or made for warlike purpose; products subject to tariff quotas; and products subject to trade remedy measures established in accordance with the WTO agreements.

3. Licensing is applied to all origins, without distinction.

4. The purpose of automatic licensing is mainly to collect statistics.

5. The Brazilian import licensing regime is based on the following legislation:

- Decreto nº 660, of 25 September 1992, altered by Decreto nº 8.229, of 22 April 2014, instituting Brazil's Foreign Trade Integrated System (SISCOMEX);
- Decreto nº 2.413, of 4 December 1997, altered by Decreto nº 5.473, of 21 June 2005, establishes the authority of the National Nuclear Energy Commission over the extraction, production, import and export of minerals and lithium ores and derivatives,
- Portaria Interministerial MF/MICT nº 291, of 12 December 1996, on processing import operations within SISCOMEX;
- Portaria DECEX nº 8, of 13 May 1991, on importation of used goods;
- Portaria SECEX nº 39, of 11 November 2011, which provides for special verification procedures on non-preferential origin;

- Portaria SECEX nº 23, of 14 July 2011, consolidating regulations on foreign trade operations;

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

Most import licensing is statutorily required. For most goods mentioned in the relevant legislative texts, legal coverage is defined within and is not subject to administrative discretion. Statutorily required licensing cannot be abolished without legislative approval. The inclusion or exclusion of specific products may be left to administrative discretion, according to the related legal text. The full list of products subject to licensing is available at the Ministry of Industry, Foreign Trade and Services website: <http://www.mdic.gov.br/comercio-exterior/importacao/tratamento-administrativo-de-importacao>.

## Procedures

6. Brazil does not maintain import quantitative restrictions.
7.
  - (a) In cases of non-automatic licensing, importers are advised to obtain the license before the departure of the products. As for the automatic license, the requirement shall be made at any time before the beginning of the customs clearance.
  - (b) Terms and deadlines for processing and issuing licenses are in accordance with provisions laid down in articles 2 and 3 of the Agreement on Import Licensing Procedures.
  - (c) According to the new single window initiative, all import licenses shall be required online, through SISCOMEX. A list of bodies in charge of import licensing in Brazil, as well as their scope and legal framework, is available at the Ministry Industry, Foreign Trade and Services' website: <http://www.mdic.gov.br/comercio-exterior/importacao/tratamento-administrativo-de-importacao>.
  - (d) Once the new single window is fully operational, the application will be effected online by the competent administrative authority, and will not need to be passed on to other authorities. For most goods, the application shall be effected towards a single competent authority, and the applicant needs not to be passed on to other authorities for visa, note or approval. The importer has to approach only SISCOMEX.
8. Requests of license may be refused if they do not fulfil the requirements of the applicable legislation, as in the case of imports which may threaten human or animal health or cause environmental risks. Refusals may be, however, challenged by the applicant.

## Eligibility of importers to apply for license

9. Any person, enterprise or institution may request import licensing. The only requirement is the registration in SISCOMEX.

## Documents and other requirements for application for license

10. Information on documents and other requirements for application for license is available on the SISCOMEX website. As a rule, presentation of documents is not required unless in specific situations established by the Brazilian legislation (Portaria SECEX nº 23, of 2011).
11. There is no need for the importer to present the import license in order to conclude the customs procedures. The importer must present only the documents concerning the customs procedures.
12. There are no fees for licensing or administrative expenses. The importer may request licensing through SISCOMEX directly from its institution, once registered, or through institutions registered for that end.

13. Deposits of advance payments or guarantees concerning the issuance of licenses are not necessary.

**Conditions of licensing**

14. Validity for both automatic and non-automatic licenses expires within 90 days after their issuance. In case it is necessary to extend their validity under exceptional circumstances, the importer shall present to the competent bodies a request justifying its/their extension before its expiration date.

15. In case of non-utilisation of the licenses, or partial utilisation, there are no penalties.

16. The ownership of the issued licenses shall not be transferred.

17. In both cases, there are no other conditions to be observed for the issuance of licenses other than those related to the goals of automatic and non-automatic licensing.

**Other procedural requirements**

18. The importer is required to obtain an authorization from the Federal Revenue of Brazil (Receita Federal do Brasil) in order to operate within SISCOMEX.

19. There is no relation between the licensing regime and foreign currency exchange regime.

---