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Committee on Import Licensing

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IMPORT LICENSING SYSTEM OF BRAZIL

ADDITIONAL REPLIES FROM BRAZIL TO QUESTIONS FROM THE EUROPEAN UNION

The following communication, dated 4 February 2021, is being circulated at the request of the delegation of Brazil and contains answer to questions by the EU (G/LIC/Q/BRA/24), complementing Brazil's preliminary reaction to the EU questions (G/LIC/Q/BRA/25).

Brazil thanks the EU for its continued interest in better understanding the Brazilian regime of importation of nitrocellulose. Regarding the responses circulated in document G/LIC/Q/BRA/25, Brazil would like to make the following additional clarification:

Article 34-B of Decree No. 9607/2018 (previous Article 34), as modified by Decree No. 9847/2019 and Decree No. 10.030/2019, lists all agents or entities that may be authorized to import Defense Products (PRODE, in the Portuguese acronym), subject to an official act by the Minister of Defense. Ordinance No. 1714/2020, from the Ministry of Defense, approved the PRODE list, which subjects the exportation and importation of nitrocellulose to the National Policy of Exportation and Importation of Defense Products (Pnei-Prode). There is no other legal provision regarding the importation of nitrocellulose in Brazil.

Currently, therefore, the definitive importation of nitrocellulose by a private party in Brazil would be covered by Article 34-B, items II and VIII, of Decree No. 9607/2018.

As indicated in previous communications, Brazil reiterates that it does not differentiate between "industrial" or "military" nitrocellulose. Regardless of the nitrogen concentration, the product poses risk, as it constitutes the basis of the production chain of ammunitions, explosives and other Defense products. Given its characteristics, Brazil understands that the current legislation regulating the control and monitoring of trade of a PRODE is a legitimate instrument of protection.
