IMPORT LICENSING SYSTEM OF brazil

follow-up QUESTIONS FROM THE EUROPEAN UNION TO BRAZIL

The following communication, dated 14 May 2019, is being circulated at the request of the delegation of the European Union.

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The EU thanks Brazil for the replies to its previous questions. However, meanwhile Brazil adopted new laws on the importation of defense products covering also industrial nitrocellulose. Therefore, the EU would like to receive further clarifications.

Industrial nitrocellulose is classified under Brazilian law as a defense product – PRODE. Article 34 of Decree 9607 of 2018 lists the importers that can be authorized to import PRODEs. It is our understanding, that the list of the importers does not include foreign companies, their representations or their local buyers, as a result of international commercial transaction. Pursuant to section III of this Article, foreign companies’ representatives can only be authorized to import PRODEs in the case of temporary imports, for testing, experimental or exhibition purposes when conducted jointly with the Military Forces of Brazil or other public entities.

EU question No 1: Could Brazil confirm whether the importers listed in Article 34 of Decree 9607 of 2018 are the only importers that can be authorised to import industrial nitrocellulose to Brazil (not for military purposes and to the extent that it is a PRODE)?

EU question No 2: If yes, could Brazil confirm whether the list in Article 34 could cover the definitive importation made by foreign companies, their representations or their local buyers, as a result of international commercial transaction with a private party in Brazil?

EU question No 3: If not, could Brazil confirm whether there is any other provision in the Brazilian law that could allow the importation of industrial nitrocellulose by foreign companies, their representations or their local buyers as as a result of international commercial transaction with a private party in Brazil?

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