Brazil

Food and Agricultural Import Regulations and Standards

Country Report

2005

Approved by:
William W. Westman, Agricultural Counselor
U.S. Embassy

Prepared by:
Joao F. Silva, Agricultural Specialist

Report Highlights:
This report outlines regulatory requirements for food and agricultural imports into Brazil, including registration of food and biotech products, labeling, food additives and other import procedures. Significant changes have been introduced in Sections I, II, VI and VII of this report to reflect changes implemented by the Brazilian government during the past 7 months.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Brasilia [BR1]
[BR]
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. FOOD LAWS</td>
<td>3</td>
</tr>
<tr>
<td>Ministry of Agriculture, Livestock, and Food Supply (MAPA)</td>
<td>4</td>
</tr>
<tr>
<td>Office of Agricultural Protection (SDA)</td>
<td>4</td>
</tr>
<tr>
<td>Office of International Agribusiness Relations (SRI)</td>
<td>7</td>
</tr>
<tr>
<td>Ministry of Health</td>
<td>7</td>
</tr>
<tr>
<td>Anvisa</td>
<td>7</td>
</tr>
<tr>
<td>Annex I: imported Food Products exempt from Registration</td>
<td>9</td>
</tr>
<tr>
<td>Annex II: Imported Food Products With Mandatory Registration</td>
<td>11</td>
</tr>
<tr>
<td>Annex III: Form: Instructions</td>
<td>11</td>
</tr>
<tr>
<td>Ministry of the Environment (MMA)</td>
<td>12</td>
</tr>
<tr>
<td>Ibama</td>
<td>12</td>
</tr>
<tr>
<td>Ministry of Development, Industry, and Foreign Trade (MDIC)</td>
<td>13</td>
</tr>
<tr>
<td>Secex</td>
<td>13</td>
</tr>
<tr>
<td>Inmetro</td>
<td>13</td>
</tr>
<tr>
<td>Ministry of Finance</td>
<td>14</td>
</tr>
<tr>
<td>Ministry of Science and Technology (MCT)</td>
<td>14</td>
</tr>
<tr>
<td>CTNBio</td>
<td>14</td>
</tr>
<tr>
<td>Ministry of Justice (MJ)</td>
<td>15</td>
</tr>
<tr>
<td>II. LABELING REQUIREMENTS</td>
<td>15</td>
</tr>
<tr>
<td>General Information</td>
<td>15</td>
</tr>
<tr>
<td>Nutritional Labeling</td>
<td>16</td>
</tr>
<tr>
<td>Labeling of Biotech Products</td>
<td>16</td>
</tr>
<tr>
<td>Labeling of Animal Origin Products</td>
<td>17</td>
</tr>
<tr>
<td>Labeling of Seafood Products</td>
<td>17</td>
</tr>
<tr>
<td>III. ADDITIVE REGULATIONS</td>
<td>18</td>
</tr>
<tr>
<td>IV. PACKAGING AND CONTAINER REQUIREMENTS</td>
<td>18</td>
</tr>
<tr>
<td>V. PESTICIDES AND OTHER CONTAMINANTS</td>
<td>19</td>
</tr>
<tr>
<td>VI. OTHER REGULATIONS AND REQUIREMENTS</td>
<td>20</td>
</tr>
<tr>
<td>Inspection Requirements for Meat, Dairy, and Seafood Products</td>
<td>20</td>
</tr>
<tr>
<td>Inspection Requirements for Plant Products</td>
<td>21</td>
</tr>
<tr>
<td>Inspection Requirements for Animal Genetics</td>
<td>22</td>
</tr>
<tr>
<td>Inspection Requirements for Animal Feed</td>
<td>22</td>
</tr>
<tr>
<td>Veterinary Biologics</td>
<td>23</td>
</tr>
<tr>
<td>Alcoholic and Other Beverages</td>
<td>23</td>
</tr>
<tr>
<td>VII. OTHER SPECIFIC STANDARDS</td>
<td>23</td>
</tr>
<tr>
<td>Endangered Species</td>
<td>23</td>
</tr>
<tr>
<td>Supplemental, Dietary, and Functional Foods</td>
<td>24</td>
</tr>
<tr>
<td>Organic Foods</td>
<td>24</td>
</tr>
<tr>
<td>Biotech Products</td>
<td>25</td>
</tr>
<tr>
<td>VIII. COPYRIGHT/TRADEMARK LAWS</td>
<td>25</td>
</tr>
<tr>
<td>Inpi</td>
<td>25</td>
</tr>
<tr>
<td>IX. IMPORT PROCEDURES</td>
<td>25</td>
</tr>
<tr>
<td>Documentation and Merchandise Entry</td>
<td>25</td>
</tr>
<tr>
<td>Establishing a Business Relationship</td>
<td>26</td>
</tr>
<tr>
<td>APPENDIX I – GOVERNMENT REGULATORY AGENCY CONTACTS</td>
<td>28</td>
</tr>
<tr>
<td>APPENDIX II – OTHER IMPORT SPECIALIST CONTACTS</td>
<td>29</td>
</tr>
</tbody>
</table>
I. FOOD LAWS

Brazil is a federated republic composed of 26 states plus the Federal District, with three levels of government: federal, state and municipal; similar to the United States’ governmental structure. Food regulations issued at the federal level are contained in various types of legal documents (Laws, Decrees, Executive Orders, Directives, Circulars, Resolutions, Provisional Measures) and to become official, or in order to be implemented, must be published in Brazil’s Diario Oficial (similar to the U.S. Federal Register).

Brazil is a member of the World Trade Organization (WTO) and therefore has made commitments to subscribe to the Sanitary and Phytosanitary (SPS) Agreement, and to the underlying Codex Alimentarius (CODEX) principles. State and municipal governments also have the authority to regulate and enforce state and municipal laws. Legally, federal regulations must be followed when there are conflicts between federal-state-municipal level legislation, as well as conflicts between Ministries within the federal level.

In the federal government numerous agencies within several Ministries share jurisdiction in ensuring the safety of the Brazilian food supply, and regulate imports of all agricultural commodities and foods. In general, the Ministry of Agriculture, Livestock, and Food Supply (MAPA) is the primary Ministry which oversees and enforces most of the regulations regarding the production, marketing, import and export of fresh and semi-processed agricultural and food products.

The Ministry of Health (MS) is the primary Ministry, which enforces most of the regulations regarding processed food products, regardless of its origin, and in this area has similar functions in regulating food as does the Food and Drug Administration (FDA) in the United States.

Other Ministries and/or agencies also involved in some aspects of food safety are the Environment Protection Institute (IBAMA), within the Ministry of the Environment; The National Institute of Metrology, Standardization and Industrial Quality (INMETRO), within the Ministry of Development, Industry and Commerce (MDIC); the National Technical Commission on Biosafety (CNTBio), which is an inter-Ministerial Commission but based in the Ministry of Science and Technology (MCT); and the Department of Consumer Protection and Defense (DPDC) within the Ministry of Justice.
Ministry of Agriculture, Livestock, and Food Supply (MAPA)

Presidential Decree 5,351, dated January 21, 2005 changed the structure of the Brazilian Ministry of Agriculture, Livestock, and Food Supply (MAPA). The Ministry is now composed of five major offices, called Secretariats: the Office of Agricultural Policy (SPA), the Office of Rural Development and Cooperatives (SARC), the Office of Production and Agro Energy (SPA), the Office of Agricultural Protection (SDA), and the Office of International Agribusiness Relations (SRI). MAPA’s regulatory activities of interest for this report are primarily enforced by SDA and SRI, and to a lesser extent by SPA.

Office of Agricultural Protection (SDA):

The Office of Agricultural Protection is responsible for enforcing regulations governing domestic and imported plants and animals, and their respective products and by-products, and other agriculturally related products and inputs, such as feed, fertilizers, pesticides, and veterinary products. SDA is now composed of six main departments, three major coordinating offices for inspection at airports and ports in Brazil (CGVIG), for animal and plant laboratories (CGAL), and biotechnology.

- The Department of Animal Origin Products Inspection Service (DIPOA),
- The Department of Plant Origin Products Inspection Service (DIPOV)
- The Department of Animal Health (DSA),
- The Department of Plant Health (DSV),
- The Department of Surveillance of Agricultural Inputs (DFIA)
- The Department of Surveillance of Livestock Inputs (DFIP)

1. Department of Animal Origin Products Inspection Service (DIPOA).

DIPOA is responsible for ensuring that all products of "animal origin" (meat derived from cattle, sheep, swine, goats, horses, game meat, poultry, dairy products, eggs, and seafood) moving in interstate and foreign commerce are safe, wholesome for consumption, and accurately labeled. DIPOA’s regulatory responsibilities are similar to those ascribed in the United States to USDA’s Food Safety Inspection Service (FSIS) for meat and poultry products, and to USDA’s Agricultural Marketing Service (AMS) for dairy products and eggs, as well as those of the U.S. Department of Health and Human Services’ (HHS) Food and Drug Administration (FDA) and the U.S. Department of Commerce’s (USDOC) National Oceanic and Atmospheric Administration, National Marine Fisheries Services (NOAA/NMFS) for seafood products.
DIPOA is also the federal agency responsible for enforcing federal regulations regarding the Hazard Analysis Critical Control Points (HACCP) for the meat, dairy, and seafood industries.

2. The Department of Plant Origin Products Inspection Service (DIPOV).

DIPOV has the regulatory authority to enforce federal laws regarding the registration, compliance and labeling of beverages (including distilled spirits, wine, soft drinks, and juices). In this respect it’s regulatory responsibilities are similar to those ascribed in the United States to the Department of Treasury’s Bureau of Alcohol, Tobacco and Firearms (ATF), with the exception that DIPOV provides a broader spectrum of services, including laboratory tests. To clear customs, these products are subject to inspection by DIPOV, who will hold samples for chemical analysis.

3. Department of Animal Health - DSA

DSA is responsible for enforcing regulations governing the import and the export of live animals, semen and embryos. In cooperation with State governments, DSA enforces federal laws and regulations to protect and improve animal health, control and eradicate animal diseases (such as the Foot-and-Mouth Disease Eradication Program). It defends Brazilian borders against foreign and exotic animal diseases. In this respect, DSA’s regulatory responsibilities are similar to those ascribed in the United States to the USDA’s Animal and Plant Health Inspection Service’s (APHIS), Veterinary Services (VS).

In order to export live animals, semen and embryos to Brazil, exporters of U.S. genetics must meet the animal health requirements issued by DSA, which can be seen on APHIS/VS’s home page [http://www.aphis.usda.gov](http://www.aphis.usda.gov) Several of these requirements were updated recently to include restrictions on imports of animal genetics and animal by-products in view of the BSE cases in the United States.

4. Department of Plant Health - DSV.

DSV is responsible for protecting the health of plants, and preventing the introduction and spread of foreign pests within Brazil. In this respect, DSV’s regulatory responsibilities are similar to those ascribed in the United States to USDA/APHIS’s Plant Protection and Quarantine (PPQ).

All U.S. unprocessed products of plant origin (bulk grains, fresh fruits and vegetables, nuts, and seeds can only be exported to Brazil if accompanied by a APHIS/PPQ phytosanitary certificate.
U.S. exporters should always check with the nearest PPQ office or the APHIS /PPQ home page http://www.aphis.usda.gov to see the latest import requirements from Brazil for unprocessed plant products because Brazil’s regulations in this area are changing frequently due to the gradual harmonization of plant health regulations within MERCOSUL.

5. The Department of Surveillance of Agricultural Inputs (DFIA)

DFFPV is responsible for the regulatory inspection and registration of all planting seeds (including biotech seeds), as well as for establishing standards for agricultural products such as grains, fruits and vegetables. In this respect its regulatory responsibilities are similar to those attributed in the United States to USDA/APHIS/PPQ, USDA/AMS, and USDA/GIPSA. It addition, DFIA also has the regulatory authority to enforce federal laws regarding the registration, compliance and labeling of fertilizers and pesticides, similar to those functions of the EPA in the United States.

6. The Department of Surveillance of Livestock Inputs (DFIP)

DFIP is responsible for the regulatory inspection of feed for animal consumption (feeds and fodders as well as pet food), the registration of establishments producing animal semen and embryos, and the genealogical registration of live animals. In this respect its regulatory responsibilities are similar to those ascribed in the United States to USDA/APHIS/VS, and USDA’s Grain Inspection, Packers, and Stockyards Administration (GIPSA). In addition, DFIP also regulates the use of veterinary products in Brazil similar to the functions of FDA in the United States.

U.S. companies exporting feed and fodder, pet food, live animals, semen and embryos must obtain an import permit from DFIP. Brazilian importers of live animals must obtain a permit for import that meets the Brazilian genetic requirements for a specific breed. Brazilian importers of pet food must register the imported products with DFIP before applying for an import permit. In all cases, the Brazilian importer must be registered with MAPA.

Office of International Agribusiness Relations (SRI):

SRI is a new office within MAPA created with the purpose of coordinating Brazilian government agricultural positions in international forums, such as the World Trade Organization (WTO), Office of International Epizootic (OIE), International Plant Protection Committee (IPPC), and Codex Alimentarius (CODEX). SRI also coordinates all regional and bilateral agricultural agreements and coordinates with other Ministries for the promotion of agricultural and food products. SRI has three main departments:

1. The Department of Commercial Affairs (DAC)
2. The Department of Sanitary and Phytosanitary Affairs (DASF)
3. The Department of International Promotion (DPIA)

SRI is also the new focal point for negotiations between the United States and Brazil in the area of agriculture under the Consultative Committee on Agriculture – CCA.

Note: Brazilian federal regulations related to the Ministry of Agriculture, Livestock, and Food Supply (MAPA) can be found in MAPA’s home page at http://www.agricultura.gov.br or in the Diario Oficial (Brazil’s Federal Register): http://www.in.gov.br

Ministry of Health

Anvisa

The Ministry of Health’s (MS) regulatory activities are enforced by an agency called the National Agency of Sanitary Surveillance (ANVISA). The structure of ANVISA is based on the United States’ Food and Drug Administration (FDA) in that it is a semi-autonomous agency within the Ministry of Health. ANVISA was officially created by Law 9,782 on January 26, 1999, and implemented by Decree 3,029 of April 19, 1999, and is now the scientific regulatory agency responsible for the safety of all foods (mostly processed products), except for those that fall under the regulatory authority of the Ministry of Agriculture, Livestock and Food Supply (such as bulk commodities, meats, dairy, fisheries, alcoholic beverages, and feed) as discussed above.

ANVISA is also responsible for overseeing the production and registration of drugs, food additives, medical devices, and tobacco and tobacco products. ANVISA is the coordinating agency at the national level of the Brazilian system of administrative, technical and sanitary management at ports, airports, and borders called SISPAF.
The primary function of ANVISA is to protect the public, i.e., human health in relation to food, assessing food standards, safety, and contaminants. In addition, it is responsible for the registration of any Brazilian or multinational company established in Brazil producing food products, such as canned products, pasta, and snacks.

Before a food product can be placed on the Brazilian market, it must be registered with ANVISA and receive a registration number which must be placed on the label of the product. The registration number for food products is valid for 5 years, while the registration of foreign or domestic firms is done on a yearly basis.

Prior to Law 9,782/99 cited above, imported food products were exempt from the registration requirement of the MS under Article 58 of Decree-Law 986 of October 21, 1969. Law 9,782/99 revokes Article 58 of Decree-Law 986 and the exemption for imported food products and established a new rule under which all foreign food products must follow the same procedures for registration as those required for domestically manufactured food items.

On March 16, 2000, ANVISA published Resolutions 22 and 23 in the Diario Oficial (Brazil’s Federal Register), which addresses the new procedures for registration and exemption of registration of imported food products that fall under the regulatory authority of the Ministry of Health. The objectives of Resolution 22 and 23 are to provide guidance to food importers and to improve ANVISA’s efficiency in coordinating public health actions on imported food products.

The products listed under ANNEX I (see below) are those food products which are exempt from product registration, while ANNEX II lists those products which have a mandatory registration requirement with ANVISA. The procedures and forms for registration and exemption of registration of imported food products are the same as those for domestically produced food products.

The request for registration or exemption of registration must be done by the food importer, the local subsidiary of the exporting company, or by a legal representative of the exporter. If there is more than one importer for the same imported product, each importer must make a separate request. In the case of the subsidiary or legal representative of the exporter, one request can be done for an imported product with different brands and importers.

All imported products, additives and packaging must be in accordance with Decree-Law Number 986, of October 21, 1969 and respective regulations.
Importers of food products that are exempt from registration are still required to complete a form (ANNEX III) requesting that the product be exempt from registration. These forms must be delivered to the local office of the Ministry of Health in the state where the importer is legally based.

Importers of food products under ANNEX II must register their products and pay fees, according to the size of the company. The following fee structure is currently in force:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee by Company Size*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Group I**</td>
</tr>
<tr>
<td></td>
<td>Large</td>
</tr>
<tr>
<td>Company Registration / Authorization to Sell</td>
<td>R$6,000</td>
</tr>
<tr>
<td>Product Registration</td>
<td>R$6,000</td>
</tr>
</tbody>
</table>

*Fees are charged in local currency: the "Real" (R$). As of July 21, 2005 exchange rate is US$ 1.00=R$2.36

**For the purposes of this regulation the size of the company is defined as follows: Group I (Annual Income above R$50 million); Group II (Annual Income between R$20 million and R$50 million); Group III (Annual income between R$6 million and R$20 million); Group IV (Annual income between R$2 million to R$6 million), and Group V (Annual Income below R$2 million). These criteria are based on Provisional Measure Number 2,190-34, dated August 23, 2001. Brazil also defines some companies as "micro" companies, with annual income below R$434,000. In this case, companies are exempt from the above fees.

The registration for these products is valid for 5 (five) years in the entire Brazilian territory. The codes used before each product in the Annexes below are control codes used by the Ministry of Health, and should not be confused with the codes of the Harmonized Tariff System (HS).

Annex I: imported Food Products exempt from Registration:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description of the Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100115</td>
<td>Sugar</td>
</tr>
<tr>
<td>420038</td>
<td>Food and Beverages for Supplemental Nutrition</td>
</tr>
<tr>
<td>4100174</td>
<td>Frozen Products</td>
</tr>
<tr>
<td>4200082</td>
<td>Starches</td>
</tr>
<tr>
<td>4100191</td>
<td>Flavoring Additives</td>
</tr>
<tr>
<td>4300167</td>
<td>Confectionery Products</td>
</tr>
<tr>
<td>Code</td>
<td>Product</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>4100085</td>
<td>Biscuits</td>
</tr>
<tr>
<td>4100018</td>
<td>Coffee</td>
</tr>
<tr>
<td>4300151</td>
<td>Cereals and Derivatives</td>
</tr>
<tr>
<td>4300025</td>
<td>Teas</td>
</tr>
<tr>
<td>4100107</td>
<td>Colors</td>
</tr>
<tr>
<td>4300084</td>
<td>Vegetable Creams</td>
</tr>
<tr>
<td>4300182</td>
<td>Erva-Mate Tea Compounds</td>
</tr>
<tr>
<td>4100093</td>
<td>Prepared Seasonings</td>
</tr>
<tr>
<td>4100077</td>
<td>Canned Vegetables (except for Heart of Palm)</td>
</tr>
<tr>
<td>4100034</td>
<td>Cakes</td>
</tr>
<tr>
<td>4200071</td>
<td>Packaging</td>
</tr>
<tr>
<td>4300051</td>
<td>Erva-Mate type Tea</td>
</tr>
<tr>
<td>4100042</td>
<td>Seasonings</td>
</tr>
<tr>
<td>4100026</td>
<td>Flours</td>
</tr>
<tr>
<td>4300076</td>
<td>Wheat Flour and/or Corn Fortified with Iron</td>
</tr>
<tr>
<td>4300164</td>
<td>Fruits (dried or freeze dried)</td>
</tr>
<tr>
<td>4100050</td>
<td>Canned Fruits</td>
</tr>
<tr>
<td>4200012</td>
<td>Frozen Dairy Products</td>
</tr>
<tr>
<td>4300190</td>
<td>Mocoto type Jam</td>
</tr>
<tr>
<td>4300131</td>
<td>Fruit Jams</td>
</tr>
<tr>
<td>4100131</td>
<td>Pasta</td>
</tr>
<tr>
<td>4200098</td>
<td>Powders or Mixes for Food and Beverage Preparations</td>
</tr>
<tr>
<td>4100158</td>
<td>Vegetable Oils and Fats</td>
</tr>
<tr>
<td>4100123</td>
<td>Breads</td>
</tr>
<tr>
<td>4300169</td>
<td>Pates</td>
</tr>
<tr>
<td>4300181</td>
<td>Fruit Pulp</td>
</tr>
<tr>
<td>4300191</td>
<td>Vegetable Pulp</td>
</tr>
<tr>
<td>4300092</td>
<td>Preparations and Products for Seasonings</td>
</tr>
<tr>
<td>4100166</td>
<td>Cocoa Products/Chocolates</td>
</tr>
<tr>
<td>4200063</td>
<td>Coconuts Products</td>
</tr>
<tr>
<td>4100141</td>
<td>Baking Products</td>
</tr>
<tr>
<td>4300068</td>
<td>Fruit Products, Cereals and Legumes for Use in Yogurt</td>
</tr>
<tr>
<td>4100182</td>
<td>Soybean Food Products</td>
</tr>
<tr>
<td>4100069</td>
<td>Tomato Products</td>
</tr>
<tr>
<td>4300101</td>
<td>Snack Foods</td>
</tr>
<tr>
<td>4300163</td>
<td>Oilseeds</td>
</tr>
<tr>
<td>4300160</td>
<td>Desserts and Powders for Dessert</td>
</tr>
<tr>
<td>4300168</td>
<td>Soups</td>
</tr>
<tr>
<td>4300165</td>
<td>Vegetables (Dissected and Freeze Dried)</td>
</tr>
</tbody>
</table>
Annex II: Imported Food Products With Mandatory Registration:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description of the Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>4200047</td>
<td>Additives (Formulated)</td>
</tr>
<tr>
<td>4100190</td>
<td>Additives</td>
</tr>
<tr>
<td>4100113</td>
<td>Artificial Sweeteners</td>
</tr>
<tr>
<td>4200020</td>
<td>Mineral Water</td>
</tr>
<tr>
<td>4200030</td>
<td>Potable Table Water</td>
</tr>
<tr>
<td>4300164</td>
<td>Purified Water</td>
</tr>
<tr>
<td>4200039</td>
<td>Foods with Added Essential Nutrients</td>
</tr>
<tr>
<td>4300032</td>
<td>Functional Foods</td>
</tr>
<tr>
<td>4300033</td>
<td>Infant Formulas</td>
</tr>
<tr>
<td>4300083</td>
<td>Food for Weight Control</td>
</tr>
<tr>
<td>4300078</td>
<td>Food with Dietary Restrictions of Nutrients</td>
</tr>
<tr>
<td>4300086</td>
<td>Foods for Diets with Controlled Sweeteners</td>
</tr>
<tr>
<td>4200081</td>
<td>Foods for Special Diets</td>
</tr>
<tr>
<td>4300088</td>
<td>Foods for Pregnant and Lactating Women</td>
</tr>
<tr>
<td>4300087</td>
<td>Foods for Elderly People</td>
</tr>
<tr>
<td>4300085</td>
<td>Foods for Sport Participants</td>
</tr>
<tr>
<td>4300069</td>
<td>Foods of Animal Origin (only those under the Ministry of Health)</td>
</tr>
<tr>
<td>4300017</td>
<td>Non-Alcoholic Beverages (only those under the Ministry of Health)</td>
</tr>
<tr>
<td>4200055</td>
<td>Technology Coadjutants</td>
</tr>
<tr>
<td>4300162</td>
<td>Liquid Compounds for Consumption</td>
</tr>
<tr>
<td>4300031</td>
<td>Recycled Packaging</td>
</tr>
<tr>
<td>4200123</td>
<td>Ice</td>
</tr>
<tr>
<td>4300030</td>
<td>New Foods and/or New Food Ingredients</td>
</tr>
<tr>
<td>4100204</td>
<td>Salt</td>
</tr>
<tr>
<td>4200101</td>
<td>Salt - Other</td>
</tr>
<tr>
<td>4300041</td>
<td>Vitamin and/or Mineral Supplements</td>
</tr>
<tr>
<td>4000009</td>
<td>Canned Vegetable (Heart of Palm)</td>
</tr>
</tbody>
</table>

Annex III: Form: Instructions

Field A: To be filled in by the Sanitary Authority

Field B: Name of the Importer, Legal Representative of the Exporter or Subsidiary. Full address, Phone, Fax, E-mail, and Corporate Tax Number.

Field C: Information regarding the warehousing unit.

Field D: Terms of Responsibility to be signed by the importer.

Field E: Information about the product, including: validity (expiration) date of production (Year/Month/Day); Code and Description of the Product (as per...
Annex I), Brand, Type of Packaging, Manufacturer (Exporter), Country of Origin, Commercial Perspective (if the product is to be sold in one specific city, state, or national territory)

Note: It is common practice in Brazil to retain the services of specialized firms for registration of products within the Ministry of Agriculture and Ministry of Health. For a list of these firms, U.S. exporters should contact: The Office of Agricultural Affairs (OAA) in Brasilia at Agbrasilia@fas.usda.gov or the Agricultural Trade Office (ATO) in Sao Paulo at Atosaopaulo@fas.usda.gov


Note: Brazilian federal regulations related to the Ministry of Health’s Anvisa can be found in their home page at http://www.anvisa.gov.br or at Diario Oficial (Brazil’s Federal Register): http://www.in.gov.br

Ministry of the Environment (MMA)

IBAMA

The Brazilian Institute for the Environment and Natural Resources (IBAMA), within the Ministry of the Environment, has regulatory authority for activities that affect the environment. It is one of the key government agencies that has regulatory authority for the approval of agricultural chemicals (pesticides, herbicides, but has joint authority for this function with the Ministry of Health (which is concerned with the toxicology aspects of agricultural chemicals), and the Ministry of Agriculture, Livestock, and Food Supply (which actually provides the registration for pesticides).

IBAMA is concerned with the possible environmental impact of pesticides. In general it follows recommendations made by international standard setting organizations, such as the CODEX Alimentarius, and works closely with its U.S. counterpart, the U.S. Environmental Protection Agency (EPA).

IBAMA is also the Brazilian regulatory agency that enforces the CITIES treaty. It is the agency responsible for monitoring and enforcing activities related to Brazilian fauna and flora. There are two regulatory rules related to these
subjects in Brazil: a) Normative Instruction Number 3, dated May 27, 2003 which regulates and lists all Brazilian endangered animal species, and, b) Directive Number 37-N, dated April 3, 1992, which regulates and lists all endangered plant species. These lists can be found on IBAMA’s homepage http://www.ibama.gov.br

Ministry of Development, Industry, and Foreign Trade (MDIC)

Secex

All food products imported or exported by Brazil must be registered at the Foreign Trade Office (SECEX) of the Ministry of Development, Industry, and Foreign Trade (MDIC). This office monitors all import and exports tariffs, issues import and export licenses. In addition, SECEX is the government agency responsible for judging antidumping cases against foreign products.

Since January 1997, SECEX, the Secretariat of Federal Revenue (SRF), of the Ministry of Finance (MF), and the Brazilian Central Bank (BCB) have been responsible for import related activities such as licensing, customs clearance and exchange monitoring though the Integrated Foreign Trade System – SISCOMEX – an administrative software program with graphic interface to complete the computer-based import document. Since this system has been implemented, import and export procedures have become more transparent, allowing the GOB to adopt quick measures to minimize trade deficits and frauds. The system also enables the government to better control tax payments.

Only Brazilian or multinational companies registered with the Importers and Exporters Registry Office of SECEX are allowed to import. Registrations completed prior to 1997 have been entered into the SISCOMEX. New registrants are automatically added to the system upon the first import transaction. It is necessary to be registered at the SRF in order to obtain a user password to access the SISCOMEX. For further details on SISCOMEX, please see our Export Guide (GAIN 3022).

Inmetro

Also under the MDIC is the National Institute of Metrology, Standardization, and Industrial Quality (INMETRO), which is the Brazilian agency or Inquiry Point to handle comments regarding notifications on trade barriers to the World Trade Organization (WTO/TBT).

INMETRO also conducts tests of domestic and imported products (industrial or food products) to check that they meet the specifications of their labels, and the safety of packaging materials.
Note: information on INEMETRO can be found at their home page [http://www.inmetro.gov.br](http://www.inmetro.gov.br) and other MDIC legislation and procedures can be found at [http://www.mdic.gov.br](http://www.mdic.gov.br) or at the Diario Oficial (Brazil’s Federal Register): [http://www.in.gov.br](http://www.in.gov.br)

**Ministry of Finance**

The Office of Federal Revenue (SRF) is responsible for collecting import duties and fees. This office works closely with SECEX (see MDIC above) in all aspects of foreign trade in Brazil. Additional information about the Ministry of Finance can be found in their home page: [http://www.fazenda.gov.br](http://www.fazenda.gov.br)

**Ministry of Science and Technology (MCT)**

**CTNBio**

Brazil’s national Congress approved on March 2, 2005, the so-called Biosafety Bill, which replaced the previous legal framework in use since 1995 under which agricultural biotechnology was developed in Brazil. Brazil’s President Lula signed the Biosafety Bill on March 24, 2005, and it became law number 11,105. This law, which also includes provisions for stem cell research, became effective on March 28, 2005 after its publication in Brazil’s official registry (Diario Oficial).

The National Technical Commission of Biosafety (CTNBio, in Portuguese) is the national regulatory agency responsible for developing national and international biotechnology policy in Brazil. It provides recommendations to the Government of Brazil on specific applications for product release and experimental plantings, particularly biotech products, including approval of any biotech product. CTNBio had its authority confirmed by law 11,105 after intense public debate over the ability of a commission to waive environmental studies before approving a biotech product. CTNBio not only had its sole power confirmed, but had its membership enlarged from 18 to 27 members to include official representatives from 9 ministries of the federal government, 12 specialists with scientific and technical knowledge from 4 different areas including animal, plant, environment, and health (3 specialists from each area), and 6 other specialists from other areas such as consumer defense and family farming. Members of CTNBio are elected for two years with a possibility of being reelected for an additional two years. CTNBio is under the Ministry of Science and Technology.

For additional information on CTNBio, please see our annual agricultural biotechnology report (GAIN 5618). Additional information on CTNBio’s role can be found in their home page: [http://www.ctnbio.gov.br](http://www.ctnbio.gov.br)
Ministry of Justice (MJ)

The Department of Consumer Protection and Defense (DPDC), within the Ministry of Justice, is the federal agency responsible for enforcing the Brazilian Consumer Code (CDC) published as Law 8,078 in 1990. The Code regulates consumer claims against adulterated food products, incorrect or misleading labels, and fraud. Each state in Brazil has an office of the Department of Consumer Protection and Defense that assists consumers directly in pursuing their rights.

The major regulations that provide the Ministry of Justice regulatory authority over domestic and imported food products, mostly in the area of food labeling and consumer rights are: Law 8,078 of September 11, 1990, Decree 3,871 of July 18, 2001, Decree 4,680 of April 24, 2003.

DPDC is responsible for monitoring and enforcing label requirements for biotech products in Brazil. DPDC has established a one percent tolerance limit for biotech products in foods in general. (Please section on labeling).

For additional information on the Ministry of Justice’s consumer department please check the Ministry of Justice’s home page http://www.mj.gov.br
Other Brazilian federal regulations regarding the Ministry of Justice can be found in the home page of the Diario Oficial (Brazil’s Federal Register): http://www.in.gov.br

II. LABELING REQUIREMENTS

General Information

The Brazilian Consumer Protection Law number 8,078 of September 11, 1990, requires that all domestic and imported foods and beverages must provide the consumer with correct, precise, clear and easily readable information about the product in Portuguese.

It is common practice in Brazil for local importers, agents or distributors to affix to the foreign label a small adhesive label in Portuguese with the following information from the U.S. exporter:

- Name of the Food
- Country of Origin
- Net Weight (in metric units)
- Date of Production
- Food Additives and Colors
- Expiration Date (shelf life, established by the manufacturer)
- Statement of Ingredients
- Special Storage Instructions (when necessary)
The adhesive label must also show the identification and full address of the Brazilian importer, including its Income Tax registration number (CGC number). According to the Consumer Protection Law, the Brazilian importer is held liable in case of health risk to the consumer of an imported product. The expiration date, validity, or shelf life date is very important for Brazilian consumers, and should never be overlooked for marketing purposes.

Food products other than animal origin products (meat, dairy, and fish) and biotech-derived products must be registered with the National Agency for Sanitary Surveillance (ANVISA), Ministry of Health. This is the case for most prepackaged food products listed on page 9 of this report.

ANVISA will require that the exporter present the so-called "FDA’s Good Manufacturing Practices (GMP)" certification as part of the request for processing plant and label approval. The FAS office at the U.S. Embassy in Brasilia can provide U.S. companies with names and addresses of Brazilian firms that specialize in assisting with the registration of labels with the Ministry of Health.

**Nutritional Labeling**

On March 22, 2001, the Brazilian Ministry of Health’s ANVISA published Resolutions (RDC) 39 and (RDC) 40, establishing new nutritional labeling requirements for all packed foods and beverages. These nutritional labels follow the same standards of those in force in the United States. Brazilian companies had six months from March 22, 2001 to comply with this new regulation, which also applies to imported packaged foods and beverages. These resolutions entered into force on September 21, 2001.

Recently, ANVISA also published Resolution Number 100, for MERCOSUL countries, which proposes mandatory nutritional labeling for prepackaged food.

**Labeling of Biotech Products**

On April 24, 2003 the President of the Republic published in the Diario Oficial (similar to the Federal Register) Executive Order (Decreto) Number 4,680/03 establishing the limit of one percent (see note below) for food and food ingredients destined for human or animal consumption containing or being produced with genetically modified organisms, and stated that consumers needed to be informed of the transgenic nature of the product. For additional information on labeling of biotech products please see our annual agricultural biotechnology report (GAIN 5618).
Labeling of Animal Origin Products

The Department of Animal Origin Products Inspection (DIPOA), Ministry of Agriculture, Livestock, and Food Supply (MAPA) requires that in addition to the registration of the foreign processing plant, the Brazilian importer must also file a request for the pre-registration of the foreign labels of processed meats and dairy products.

The registration process requires that the U.S. plant operators fill out a questionnaire concerning the product to be exported to Brazil. In addition to the signature of the plant operator, the government inspector at the plant must also sign questionnaires.

Directive 371/97 contains the technical regulations for labeling products of animal origin. Since January 4, 2000, only those products that have their labels pre-approved by DIPOA are allowed to enter Brazil. For additional information, U.S. exporters of meats and dairy products should instruct their importers and/or agents in Brazil to contact DIPOA at:

DIPOA/SDA
Ministerio da Agricultura, Pecuaria e do Abastecimento (MAPA)
Esplanada dos Ministerios, Bloco "D", Anexo, 4 andar
70043-900 Brasilia, DF
Tel.: (55-61) 3218-2684
Fax: (55-61) 3218-2672

Labeling of Seafood Products

Brazilian regulations require that U.S. companies exporting fish and seafood products to Brazil, must have their products processed in plants under supervision of a federal agency of the U.S. Government, such as the Food and Drug Administration (FDA) or with the National Marine Fisheries Service (NMFS), USDOC/NOAA. In addition to the registration of the U.S. processing plant with DIPOA, the Brazilian Government requires pre-approval of labels for seafood products. For additional information, U.S. exporters of seafood products should instruct their importers and/or agents in Brazil to contact DIPOA at:

DIPOA/SDA
Ministerio da Agricultura, Pecuaria e do Abastecimento (MAPA)
Esplanada dos Ministerios, Bloco "D", Anexo, 4 andar
70043-900 Brasilia, DF
Tel.: (55-61) 3218-2684
Fax: (55-61) 3218-2672
III. ADDITIVE REGULATIONS

In general, ANVISA’s requirements follow FDA regulations for food additives. For a complete list of approved food and coloring additives U.S. exporters should contact ANVISA directly or a consulting firm in Brazil which specializes in this area. The major laws and regulations that provide the regulatory framework for domestic and imported food additives are: Provisional Measure Number 69 of September 2002, Law Number 9,974 of June 6, 2000, Decree Number 4,074 of January 4, 2002, Decree Number 55,871 of March 26, 1965, Decree Number 50,040 of January 24, 1961, Resolution (RDC) Number 234 of August 19, 2002, Resolution (RDC) Number 169 of June 10, 2002.

Note: Brazilian federal regulations related to the Ministry of Health’s Anvisa can be found in their home page at http://www.anvisa.gov.br or at Diario Oficial (Brazil’s Federal Register): http://www.in.gov.br

IV. PACKAGING AND CONTAINER REQUIREMENTS

The Brazilian Association of Technical Rules (ABNT, in Portuguese) is the only normative forum in Brazil responsible for elaboration of technical rules (standards and specifications) for the packaging and container industries. ABNT is also a founding member of the International Organization for Standardization (ISO), the Mercosul Standardization Association (AMN), and the Pan American Commission for Technical Ruling (COPANT).

ABNT conducts the certification for consumer packaging (paper and carton boxes, plastic bags, steel sheet, aluminum cans, tetrapak, PET bottles, etc.) ABNT also regulates the recycling of packaging and containers for food products. All manufacturers or importers shall be responsible for the recycling, disposal and removal of packages or containers, that are likely to cause serious pollution to the environment after consumption or use. ABNT follows the international Resin Identification Code (numbering from 1 to 7) of the Society of Plastics Industry) and the Standard Recycling Symbol.

For detailed regulatory information about packaging and containers, and links to the main associations of packaging and containers, access ABNT home page at: http://www.abnt.org.br

The government’s regulatory agency involved with the quality and safety of packaging and containers for handling food is the National Institute of Metrology, Standardization, and Industrial Quality (INMETRO), linked to the Ministry of Development, Industry, and Foreign Trade (MDIC). For additional information access INMETRO’s home page at: http://www.inmetro.gov.br
The government’s regulatory agency involved with the toxicological aspects of packaging and containers for handling food is the National Agency of Sanitary Surveillance (ANVISA), under the Ministry of Health (MS). For additional information access ANVISA’s home page at: http://www.anvisa.gov

Brazilian food processors are very creative in packaging and have won several international prizes. Packaged retail food products from the United States and from the European Union have generally good acceptance among Brazilian consumers. U.S. exporters should be aware that Brazilian consumers prefer individual and small-size packages, due to the relatively high prices for imported products.

V. PESTICIDES AND OTHER CONTAMINANTS

In general, Brazil adopts the international standards (Codex Alimentarius) for tolerances for pesticides, herbicides, and fungicides used in fumigation of agricultural products. These tolerance level regulations apply to all chemically treated products produced in Brazil or imported that are intended for human and animal consumption.

Regulatory authority for the registration of agricultural chemicals in Brazil is divided among a three party committee (Agriculture, Health, and Environment) of the federal government. The Ministry of Agriculture, Livestock, and Food Supply (MAPA) is the initial contact point for the petition for registration. MAPA will then forward the petition to the Ministry of the Environment that will assess the possible environmental impact of that specific chemical. The petition is then sent to the Ministry of Health that will assess the toxicology aspects of the product. Finally, the petition is returned to the MAPA for final approval and registration. U.S. exporters can obtain a list of approved pesticides by writing to:

DFIP/SDA
Ministerio da Agricultura e do Abastecimento
Esplanada dos Ministerios, Bloco D, Anexo, 3 andar
70403-900 Brasilia, DF
Tel.: (55-61) 3218-2172
Fax (55-61) 3224-3874

VI. OTHER REGULATIONS AND REQUIREMENTS

Inspection Requirements for Meat, Dairy, and Seafood Products

Brazilian regulations require U.S. companies exporting products of animal origin to Brazil to have their products (beef, pork, powdered milk, whey, lactose, cheese, and seafood) processed in plants in the United States that are federally inspected. Brazilian inspection officials will not register U.S. plants on the basis of state inspection or products from uninspected facilities.

The only U.S. federal agencies approved by the Brazilian Government to certify U.S. processing meat and poultry plants is the Food Safety and Inspection Service (FSIS/USDA), for U.S. dairy processing plants to export to Brazil it is the Agricultural Marketing Services (AMS/USDA), or the Food and Drug Administration (FDA). The U.S. exporter must have the processing dairy plant included in AMS’s list of U.S. Dairy Plants Surveyed and Approved by the USDA Grading Service or have the Central File Number under FDA. The same procedure applies for exports of U.S. seafood. The U.S. plant must be inspected by either NOAA/NMFS or FDA before exporting to Brazil, and be included on DIPOA’s list. The request for registration of the U.S. plant with DIPOA must be done through the FAS office in the U.S. Embassy in Brasilia. The U.S. exporter must provide the FAS office in Brasilia, by fax, the following information:

(1) Full name and address of the plant(s), including telephone, fax, and contact person;

(2) Plant registration number with the Food Safety Inspection Service (FSIS/USDA) for meat products (beef and pork only). The plant registration number with the Agricultural Marketing Service (AMS/USDA) or the central file number from the Food and Drug Administration (FDA) for dairy products. And, the central file number from FDA or Plant registration number with NOAA/NMFS for seafood products;

(3) Description of the product to be exported to Brazil: fresh/frozen beef, beef products, beef offals, pork, pork products, prepared foods, milk and milk products (cheese, whey, butter, butter oil, lactose), and seafood products (in this case provide the scientific name of the fish in Latin and how the product will be shipped to Brazil).

NOTES:

(1) DIPOA’s approval process can take up to one month,
(2) Samples and mail orders of products of animal origin shipped to Brazil for trade shows or market testing must come from plants approved by DIPOA officials.

(3) The National Agency of Sanitary Surveillance (ANVISA), Ministry of Health, is responsible for the registration of ice cream. It follows the same procedures as those for registration of processed foods, including the payment of a registration fee for the registration of the company as well as the specific product. (See Ministry of Health Section above.)

(4) As of April 16, 2002, DIPOA resumed registration of new U.S. meat and dairy plants to export their products to Brazil, after a 3-year ban.

(5) DIPOA officials do not register U.S. poultry plants for exports of poultry products to Brazil due the lack of reciprocity.

**Inspection Requirements for Plant Products**

All U.S. unprocessed products of plant origin (bulk grains, fresh fruits and vegetables, nuts, and seeds) can only be exported to Brazil if accompanied by an APHIS/PPQ phytosanitary certificate. Frozen fruits and vegetables do not need a phytosanitary certificate. U.S. exporters should always check the nearest PPQ office or the APHIS home page to see the latest import requirements and to see if there is a need to conduct a PRA (Pest Risk Assessment) of the product before exporting to Brazil.

**Pest Risk Assessments**

On March 27, 2002, the Brazilian Government published Normative Instruction no. 34, which requires Pest Risk Assessments (PRAs) for each species from every country of origin within 180 days (ending November 27, 2002). Given the many changes occurring in this sector at this time and the ongoing regional harmonization of phytosanitary requirements as well as specific Brazilian issues of concern, U.S. exporters should check with APHIS/Brasilia for additional information on the status of Brazilian phytosanitary import requirements.

The new Normative Instruction no. 59 of November 21, 2002 establishes the procedures for submitting PRAs to the Brazilian Government. It clarifies the pest risk analysis to be followed, and specifies that "documentation be submitted in Portuguese, and be reviewed by USDA/APHIS/PPQ."
U.S. exporters need to be aware that PRAs will need to be done on third-country origin plant products that are re-exported from the United States to Brazil, with information provided by the country-of-origin.

Normative Instruction Number 60 of November 21, 2002, allows for the importation of plant products traditionally imported by Brazil while the PRA is under review by MAPA/DSV.

Questions about specific Brazilian import requirements can also be directed to APHIS/PPQ at the following address:

Export Certification Unit
Plant Protection and Quarantine (PPQ)
Animal and Plant Health Inspection Service (APHIS)
U.S. Department of Agriculture
4700 River Road Unit 139
Riverdale, MD 20737-1236
Tel: (301) 734-8537
Fax: (301) 734-5786

Inspection Requirements for Animal Genetics

The Department of Animal Health (DDA), Ministry of Agriculture, Livestock, and Food Supply (MAPA) is responsible for issuing animal health requirements for imports of live animals, semen and embryos. In addition, the Department of Surveillance of Livestock Inputs (DFIP) is responsible for establishing genetic requirements for animal semen and embryos, and the genealogical registration of live animals.

Before exporting live animals, semen or embryos to Brazil, the U.S. exporter should contact APHIS/VS at the following address:

National Center for Import and Export Animals Program
Veterinary Services
Animal and Plant Health Inspection Service (APHIS)
U.S. Department of Agriculture
4700 River Road Unit 39
Riverdale, MD 20737-1231
Tel.: (301) 734-7511
Fax: (301) 734-6402

Inspection Requirements for Animal Feed

U.S. exporters of animal feed and fodder, including pet food, must be registered with the Department of Surveillance of Agricultural Inputs (DFIA). The U.S. exporter of animal feed should first obtain an importer (or a legal representative) in Brazil who will file the request for registration of the imported product with DFIA/MAPA. The importer must also be registered with the MAPA before submitting a request for registration. A comprehensive questionnaire must be filled out including label information.
Veterinary Biologics

The importation of veterinary Biologics, such as vaccines, antiserums, and diagnostic test kits, are subject to prior registration with the Department of Surveillance of Livestock Inputs (DFIP), Ministry of Agriculture, Livestock, and Food Supply (MAPA). DFIP does not register growth promotants (hormones) for beef cattle, but does for dairy cattle.

The U.S. exporter of veterinary biologics should first obtain an importer (or a legal representative) in Brazil who will file the request for registration of the imported product with DFIP/MAPA. The importer must also be registered with MAPA before submitting the request for registration. A comprehensive questionnaire must be filled out including label information.

Alcoholic and Other Beverages

The Department of Surveillance of Agricultural Inputs (DFIA), Ministry of Agriculture, Livestock, and Food Supply (MAPA) has the regulatory authority to enforce federal laws regarding the registration and labeling of beer, distilled spirits, wine, soft drinks, and juices. In this respect, its regulatory responsibilities are similar to those ascribed in the United States to the Department of Treasury’s Bureau of Alcohol, Tobacco, and Firearms (ATF), with the exception that DFIA provides a broader spectrum of services, including laboratory tests. The major regulation for alcoholic and beverage products, both domestic and imported, is Decree Number 4,072 of January 3, 2002.

VII. OTHER SPECIFIC STANDARDS

Endangered Species

The import and export of animals and plants into Brazil that are covered by the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES) fall under the regulatory responsibility of the Ministry of the Environment. A specific authorization is needed to enter or leave the country with animals and plants protected under the CITES.

The Ministry of the Environment published on May 22, 2003 the new list of Brazilian endangered species. The list is available in the following site: http://www.mma.gov.br/port/sbf/fauna/index.cfm
Supplemental, Dietary, and Functional Foods

The import of infant formula, dietary, and supplemental foods is under the responsibility of the National Agency of Sanitary Surveillance (ANVISA), Ministry of Health. It follows the same procedures as those for registration of processed foods, including the payment of a registration fee for the registration of the company as well as the specific product (See Ministry of Health Section above).

The major regulations that provide regulatory framework for domestic and imported functional and other specialty foods under the Ministry of Health’s ANVISA are: Resolution Number 19 of April 30, 1999 and Resolution 18 of April 30, 1999.

Organic Foods

Organic farming is growing rapidly in Brazil. Growth is estimated at 20 percent per year, and commercial production is still limited mostly to grains and vegetables, although it is increasing in the meat and dairy sectors as well. The growth in organics in Brazil has been recently boosted increased interest of Brazilian supermarkets in buying organic products. The country has about 1,200 certified farmers and two private institutions with the authority to certify organic products. There are no official trade statistics regarding organic products, either for imports or exports.

The rapid growth of organic farming in Brazil has prompted the Brazilian government to regulate the sector. On May 19, 1999, the Minister of Agriculture, Livestock, and Food Supply (MAPA) published in the Diario Oficial (Brazil’s Federal Register) Normative Instruction Number 7, which contains the standards for production, classification, processing, packaging, importation, distribution, identification, and certification of the quality of organic products, of both animal and plant origin.

Both domestic and imported organic products must be labeled with the term "organic product" and the name and registration number of the certifying organization. For bulk products, a “certificate of organic quality” must accompany the shipment. The Office of Agricultural Protection (SDA) of the Ministry of Agriculture, Livestock, and Food Supply (MAPA) has the authority regarding import approval of organic products.

A draft bill, number 014, is currently in the National Congress. The bill will provide the new legal framework for organic foods in Brazil, including certification. The bill has passed the Senate, but still needs to be reviewed by the House.
Biotech Products
In Brazil, a technology provider must file an application with CTNBio for approval to sell agricultural biotech products. A company must file a single application for each biotech event. CTNBio will evaluate the need for any further environmental impact studies. After the approval of CTNBio, three other ministers have an important role in the registration process: a) Ministry of Agriculture, Livestock, and Food Supply (MAPA) for products used in agriculture, livestock, and agribusiness (processing); b) Ministry of Health, regarding use of products for humans and pharmaceutical uses; and, c) Ministry of Environment for products that require registration and inspection for use in the natural ecosystem. For additional information on biotech products please see our annual agricultural biotechnology report (GAIN 5618).

VIII. COPYRIGHT/TRADEMARK LAWS

Inpi
The National Institute of Industrial Property (INPI) is a federal agency created in 1970, and linked to the Ministry of Development, Industry, and Foreign Trade (MDIC) responsible for protecting patents, trademarks, and copyrights. INPI is currently regulated by Law 9,279/96 (Industrial Property Law). Registration of a trademark in Brazil may be obtained by filing an application letter to INPI. Once registered, the validity of the registration is for 20 years.

According to trade specialists, despite recent improvements, Brazil continues to fall short in providing adequate and effective protection of Intellectual Property Rights (IPR). Although Brazil is one of the largest markets globally for legitimate copyrighted products, it is also one of the world’s largest pirate markets.

For general information on legislation, regulations, application for copyrights, patents, and trademarks, please access INPI home page at: http://www.inpi.gov.br

IX. IMPORT PROCEDURES

Documentation and Merchandise Entry
After you establish your business relationship, and negotiate your sale, your Brazilian importer, or agent follows the following basic steps:

a) The U.S. exporter must supply the representative in Brazil with a Pro forma invoice for the product (s) to be exported to Brazil;
b) The Brazilian representative files an application for an import permit for the specific transaction with the Foreign Trade Office (SECEX);

c) In the case of some agricultural products (plants, seeds); animal genetics (live animals, semen, embryos) and products of animal origin (meats, dairy products) the importer must check with the Ministry of Agriculture, Livestock, and Food Supply (MAPA) for the import requirements for that specific product. For instance, to import beef, the U.S. plant must be registered with the Department of Animal Origin Inspection Service (DIPOA), and have labels pre-approved by DIPOA. Most of these transactions are done on-line through the Automatic Import Licensing System called SISCOMEX;

d) Once the application for the import of the shipment is approved by SECEX, the importer notifies the U.S. supplier to ship the product(s);

e) The U.S. exporter should send all shipment documents (Bill of Lading, etc.) and the commercial invoice along with the product;

Note: For some products of animal origin and animal genetics, the Ministry of Agriculture, Livestock, and Food Supply (MAPA) requests that the export certificate be certified (stamped) by a Brazilian Consulate in the United States.

f) The importer arranges for a licensed customs expediter to clear the goods and pay customs duties and other taxes (typically the ICMS (value-added) tax.

g) A copy of the import license and the paid customs declaration are sent to the bank to complete the foreign exchange transaction.

h) Before shipping an exporter should ask that the importer open an irrevocable and confirmed Letter of Credit.

Note: For further details on exports of food products to Brazil, please see our Export Guide (GAIN 3022).

Establishing a Business Relationship

All the customary import channels exist in Brazil: agents, distributors, brokers, wholesalers, specialty import houses, trading companies, subsidiaries, and branches of foreign firms, among others. The best way to do business in Brazil is to establish a business relationship with or through one of these established channels. As in other countries, the selection of the importer requires careful consideration. A unique aspect of the Brazilian market is that a single importer may not be able to cover the entire country adequately, and there is no need to grant exclusive rights.
Potential U.S. food exporters to Brazil should take into consideration the following factors while establishing a business relationship:

a) Although Brazil is of vast geographic size, the majority of importers are located in Sao Paulo and in Rio de Janeiro, and to a lesser extent in Belo Horizonte, Curitiba, Porto Alegre, Salvador, Recife, and Fortaleza.

b) Participation in trade shows is encouraged. The major shows include: the National Supermarket Convention and Exhibition (ABRAS show), held annually in September in Rio de Janeiro; the Sao Paulo Supermarket Convention and Exhibition (APAS Show), held in May in Sao Paulo, and the International Food Show (FISPAL), held in June in Sao Paulo. FAS’s Agricultural Trade Office (ATO) in Sao Paulo maintains a list of trade shows in Brazil that target specific products and sectors.

c) A well-qualified Brazilian importer should have an office in one of the cities mentioned above and must be registered with the Brazilian Foreign Trade Office (DECEX) of the Ministry of Development, Industry and Commerce (MDIC). To operate in Brazil, the importer must also be registered with the Ministry of Finance (similar to the Treasury Department), and hold a registration number called CNPJ. See GAIN 3022 for further details.

d) Import duties and taxes. Since 1990, Brazil eliminated a number of non-tariff barriers to imports, and lowered most import duties on commodities and foods. Import duties vary from 8 to 14% for most bulk agricultural products and 14 to 23% on highly processed food products. Today, Brazil, together with its MERCOSUL partners (Argentina, Uruguay, and Paraguay), applies the MERCOSUL Common External Tariff (CXT). In addition, Chile and Bolivia, as associate members of MERCOSUL, enjoy preferential import tariffs.
APPENDIX I – GOVERNMENT REGULATORY AGENCY CONTACTS

Office of Agricultural Protection (SDA)  
Ministry of Agriculture, Livestock, and Food Supply (MAPA)  
Esplanada dos Ministerios, Bloco D  
Anexo B, 4 Andar, Sala 406  
Brasilia, DF 70043-900  
Phone: (55-61) 3218-2314/15  
FAX: (55-61) 3224-3996 or 3218-2316  
Internet site: http://www.agricultura.gov.br

Brazilian Environment Institute (IBAMA)  
SAIN - Av. L 4 Norte  
70800-200 Brasilia, DF  
Phone: (55-61) 3226-8221  
Fax: 3322-1058  
Internet site: http://www.ibama.gov.br

Office of International Relations of the  
Agribusiness  
Ministry of Agriculture, Livestock, and  
and Food Supply (MAPA)  
Esplanada dos Ministerios, Bloco D, 3 Andar Sala 304  
Brasilia, DF 70043-900  
Phone: (55-61) 3321-3594  
Fax: (55-61) 3321-4524  
Internet site: http://www.agricultura.gov.br

Ministry of Science & Tecnology (MCT)  
Esplanada dos Ministerios, Bloco E  
70067-900 Brasilia, DF  
Phone: (55-61) 3321-8886  
Fax: (55-61) 3225-7496  
Internet site: http://www.mct.gov.br

Agency of Sanitary Surveillance (ANVISA)  
Ministry of Health  
Esplanada dos Ministerios, Bloco G  
70058-900 Brasilia, DF  
Phone: (55-61) 3315-2343  
Fax: (55-61) 3225-6056  
Internet site: http://www.saude.gov.br

Ministry of Justice  
Esplanada dos Ministerios, Bloco T  
70064-900 Brasilia, DF  
Phone: (55-11) 3224-0954  
Fax: (55-61) 3322-6817  
Internet site: http://www.mj.gov.br

Ministry of Development, Industry and  
Foreign Trade (MDIC)  
Esplanada dos Ministerios, Bloco J  
70056-900 Brasilia, DF  
Phone: (55-61) 3329-7000  
Fax: (55-61) 3329-7230  
Internet site: http://www.mdic.gov.br

Brazilian Customs (Receita Federal)  
Ministry of Finance  
Esplanada dos Ministerios, Bloco P  
70048-900 Brasilia, DF  
Phone: (55-61) 3412-3000  
Fax: (55-61) 3412-1721  
Internet site: http://www.fazenda.gov.br
APPENDIX II – OTHER IMPORT SPECIALIST CONTACTS

Foodstaff (Consultant for food registration)  
Alameda Guainumbis, 1089  
04067-002 Sao Paulo, SP  
Phone: (55-11) 5561-3276  
Fax (55-11) 535-3976  
Internet site: http://www.foodstaff.com.br

Brazilian Association of Supermarkets (ABRAS)  
Av. Diogenes Ribeiro de Lima, 2872  
05083-901 Sao Paulo, SP  
Phone: (55-11) 838-4500  
Fax: (55-11) 837-9933  
Internet site: http://www.abrasnet.com.br

American Chamber of Commerce Sao Paulo  
Rua Alexandre Dumas, 1976  
04717-004 Sao Paulo, SP  
Phone: (55-11) 246-9199  
Fax: (55-11) 246-9080  
Internet site: http://www.amcham.com.br

FoodNet (FISPAL Food Show)  
Rua Min. Nelson Hungria, 239/12  
05690-050 Sao Paulo, SP  
Phone: (55-11) 844-9111  
Fax: (55-11) 844-8893  
Internet site: http://www.foodnet.com.br

Brazilian Assoc. of Food Industries (ABIA)  
Av. Brigadeiro Faria Lima, 2003, 11 Andar  
01451-001 Sao Paulo, SP  
Phone: (55-11) 814-6688  
Fax: (55-11) 814-6688  
Internet site: http://www.abia.com.br

For additional information on this report, please contact one of the following FAS offices in Brazil:

Office of Agricultural Affairs (OAA)  
American Embassy, Brasilia  
Av. das Nações, Quadra 801, lote 3  
70403-900 Brasilia, DF  
Phone: (55-61) 3312-7101  
Fax: (55-61) 3312-7659  
Agbrasilia@fas.usda.gov

Agricultural Trade Office (ATO)  
Rua Henri Dumont, 700  
01418-200 Sao Paulo, SP  
Phone: (55-11) 5186-7400  
Fax: (55-11) 5186-7499  
E-mail: Atobrazil@usdabrazil.org.br

http://www.usdabrazil.org.br