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Brazil

Food and Agricultural Import Regulations and Standards

Food and Agricultural Import Regulations and Standards - FAIRS 1999

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Report Highlights:

The 1999 FAIRS report describes Brazil's food regulatory regime, and will guide readers through a myriad of agencies responsible for regulations governing agricultural and food imports. The 1999 FAIRS report also discusses the most recent changes in food regulations, such as the creation of the National Agency of Sanitary Surveillance (ANVS), within the Ministry of Health.

Includes PSD changes: No
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DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs (OAA) of the USDA/Foreign Agricultural Service in Brasilia, Brazil for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

A. FOOD LAWS

Brazil is a federated republic composed of 27 states, 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 and Food Supply (MAA) 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 within the Ministry of Justice.

Ministry of Agriculture and Food Supply (MAA):

The Brazilian Ministry of Agriculture and Food Supply (MAA) is composed of three major offices or sections: the Office of Agricultural Policy (SPA), the Office of Rural Development (SDR) and the Office of Agricultural Protection (SDA). MAA's regulatory activities of interest here are primarily enforced by SDA.

1. 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 certain other agriculturally related products. In cooperation with State governments, SDA administers Federal laws and regulations, and coordinates the Brazilian government positions in international forum, such as the World Trade Organization (WTO), Office of International Epizootic (OIE), and Codex Alimentarius (CODEX).

SDA is composed of three Departments:

- the Department of Animal Origin Products Inspection Service (DIPOA),
- the Department of Animal Health (DDA), and
- the Department of Plant Health and Inspection Service (DDIV).

1.1. 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 meat 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.

Both domestic and foreign producers of meat and meat by-products sold in Brazil must be registered with SDA/DIPOA. In order to export meat and meat by-products to Brazil, the exporting country's inspection system must first be recognized by DIPOA as "equivalent" to the Brazilian system. In order for this to happen the appropriate regulatory authorities of the exporting country must fill out a questionnaire and include all the regulations concerning inspection of meat products in that country. On the basis of responses in the questionnaire, Brazilian authorities will judge if the inspection system of that country provides an equivalent level of protection to the Brazilian system. Random on-site visits to a sample group of processing plants will be conducted in order to verify the accuracy of the responses to the questionnaire. DIPOA will then issue a list of approved plants eligible to export meat and meat by-products to Brazil. Any future inclusion of meat plants in this list must be requested by the proper federal authority within the exporting country through their respective Embassies in Brasilia.

U.S. exporters of beef, pork, poultry and game meat must have their processing plants inspected and approved by USDA/FSIS in order to export their products to Brazil. FSIS is the only U.S. agency recognized by DIPOA officials to issue an export certificate for meat products destined to Brazil. DIPOA does not accept state or county inspection certification.

The same procedures for exports described above for meat products apply to dairy products exports to Brazil. At the current time, the Agricultural Marketing Service (AMS) is the only agency recognized by DIPOA to issue an export certificate for dairy products to be exported to Brazil.

The same procedures for exports described above for meat products also apply to seafood product exports to Brazil. A certificate from either FDA or USDOC/NOAA will satisfy Brazilian officials (after the U.S. inspection system for seafood has been previously approved).

The major laws and regulations that provide DIPOA's regulatory authority for domestic and imported products of animal origin are:

- * Decree 30,691 of March 29, 1952
- * Ministerial Directive 574 of December 8, 1998
- * SDA Directive 183 of October 9, 1998
- * DIPOA Resolution Number 1 of January 21, 1999
- * Ministerial Directive 46 of February 10, 1998

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diario Oficial (Brazil's Federal Register): <http://www.in.gov.br>

1.2. Department of Animal Health - DDA

DDA is responsible for enforcing regulations governing the import and the export of live animal, semen and embryos, as well as the registration of veterinary products. In cooperation with State governments, DDA 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, DDA's regulatory responsibilities are similar to those ascribed in the United States to USDA Animal and Plant Health Inspection Service's (APHIS), Veterinary Services (VS). In addition, DDA is also responsible for the registration and regulation of veterinary products used in the animal industry. In this regard, it's regulatory responsibilities are similar to those ascribed in the United States to HHS/FDA's Center for Veterinary Medicine as well as to APHIS Veterinary Biologics.

In order to export live animals, semen and embryos to Brazil, exporters of U.S. genetics must meet the animal health requirements issued by DDA, which can be seen on APHIS/VS's home page <http://www.aphis.usda.gov>. Several of these requirements were updated in the last few months before the publication of this report.

DAA also is responsible for enforcing the National Program for Controlling Biological Residue in Meats through their Animal Reference Laboratories.

The major laws and regulations that provide DDA's regulatory authority for domestic and imported animal genetics and veterinary products are:

- * Decree 24,548 of July 3, 1934
- * Decree 64,499 of May 14, 1969

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diario Oficial (Brazil's Federal Register): <http://www.in.gov.br>

1.3. Department of Plant Health and Inspection Services - DDIV.

DDIV is responsible for protecting the health of plants, and to prevent the introduction into and spread of foreign pests within Brazil. In this respect, DDIV's regulatory responsibilities are similar to those ascribed in the United States to USDA/APHIS's Plant Protection and Quarantine (PPQ). In addition, DDIV also 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 DDIV provides a broader spectrum of services, including laboratory tests, etc.

All U.S. unprocessed products of plant origin (bulk grains, fresh fruits and vegetables, nuts, seed, etc.) 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 home page to see latest import requirement from Brazil for unprocessed plant products as Brazil's regulations in this area are changing frequently due to the gradual harmonization of plant health regulations within MERCOSUL.

DDIV also requires that imports of wine, beer, distilled spirits and juices be registered with DDIV. In addition, the importer must also be registered with DDIV. To clear customs, these products are subject to inspection by DDIV, who will hold samples for chemical analysis.

The major laws and regulations that provide DDIV's regulatory authority for domestic and imported plant products, distilled spirits, wine, beer, and juices are:

- * Decree 24, 144 of April 12, 1934
- * Directives 641, 642, and 643 of October 3, 1995
- * Directive 186 of March 21, 1996
- * Directive 130 of April 15, 1997
- * Directive 158 of April 16, 1997
- * Directive 182 of November 9 1998

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diario Oficial (Brazil's Federal Register): <http://www.in.gov.br>

2. Office of Rural Development (SDR)

The Office of Rural Development is responsible for enforcing regulations regarding animal and plant production, such as animal genetics, quality standards for grains, seed, fruits and vegetables, and quality and production grades and standards for pet food. In addition to rural extension responsibilities, SDR has two departments that have responsibility for inspection related activities.

2.1. Department of Development and Surveillance of Animal Production (DFPA).

DFPA 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 it's regulatory responsibilities are similar to those ascribed in the United States to USDA/APHIS/VS, and the USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA).

U.S. companies exporting feed and fodder, pet food, live animals, semen and embryos must obtain an import permit from DFPA. 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 DFPA before applying for an import permit. In all cases, the Brazilian importer must be registered with the Ministry of Agriculture and Food Supply (MAA).

2.2. Department of Development and Surveillance of Plant Production (DFFPV).

DFFPV is responsible for the regulatory inspection and registration of all planting seeds (including Genetically Modified Organisms (GMOs)), as well as for establishing standards for agricultural products such as grains, fruits and vegetables. In this respect it's regulatory responsibilities are similar to those ascribed in the United States to USDA/APHIS/PPQ, USDA/AMS, and USDA/GIPSA.

Ministry of Health (MS)

The Ministry of Health's regulatory activities are now enforced by a newly created agency called the National Agency of Sanitary Surveillance (ANVS). The structure of ANVS was based on the United States' Food and Drug Administration (FDA) in that it is a semi-autonomous agency within the Ministry of Health. The ANVS was officially created by Law 9,782 on January 27, 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 and Food Supply (such as bulk commodities, meats, dairy, fisheries, alcoholic beverages and feed) as discussed above. The ANVS is also responsible for overseeing the production and registration of drugs, food additives, medical devices, and tobacco and tobacco products.

The primary function of the ANVS is to protect the public, i.e., human health in relation to food, assessing food standards and safety, contaminants, etc. In addition it is responsible for the registration of any Brazilian company or multinationals established in Brazil producing food products, such as canned products, pasta, snacks, etc. Before a certain product can be placed on the Brazilian market, it must be registered with ANVS and receive a registration number which must be placed on the label of the product. For food products the registration number 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.

In addition, Provisional Measure number 1,814 published in Brazil's Diario Oficial (Federal Register) established September 1, 1999, as the deadline for all imported products to be registered with ANVS. Food products entering Brazil after this date and not registered with ANVS will be rejected at the port of entry. This deadline was maintained by the new Provisional Measure 1,912-5 published in Brazil's Diario Oficial (Federal Register) on June 30, 1999, which maintains the same text of Provisional Measure 1,814. On June 2, 1999, ANVS also published Resolution 237 with a new fee structure for registration of food companies and products. Food companies must pay an annual registration fee and also pay a registration fee for each of their food products which is valid for five years. The registration fees charged for the company and product registrations vary depending on the size of the company involved. As of July 2, 1999, the following fee

structure has been in force:

Description	Fee by Company Size*				
	Group I**	Group II**	Medium**	Small**	"Micro"***
Company Registration / Authorization to Sell	R\$6,000	R\$5,100	R\$4,200	R\$600	R\$300
Product Registration	R\$6,000	R\$5,100	R\$4,200	R\$600	Exempt

* Fee is charged in local currency; the "Real" (R\$).

** 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\$15 million and R\$50 million); Medium (Annual income between R\$1.2 million and R\$15 million); Small (Annual income between R\$0.12 million to R\$1.2 million), and Micro (Annual Income up to R\$0.12 million).

The major laws and regulations that provide ANVS's regulatory authority for domestic and imported processed food products, including authorization for sale and registration of food products are:

- * Decree Law 986 of October 21, 1969
- * Law 9,782 of January 26, 1999
- * Decree 3,029 of April 19, 1999
- * Provisional Measure 1,912-5 of June 30, 1999
- * Resolution 237 of July 2, 1999

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diário Oficial (Brazil's Federal Register): <http://www.in.gov.br>

Ministry of the Environment (MMA)

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 agency that has regulatory authority for the approval of agricultural chemicals (pesticides, herbicides, etc.), 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 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. Environment Protection Agency (EPA).

U.S. exporters can obtain a list of approved pesticides by writing to:

DDIV/SDA

Ministerio da Agricultura e do Abastecimento
Esplanada dos Ministerios, Bloco D, Anexo, 3 andar
70403-900 Brasilia, DF
Tel.: (55-61) 218-2172 or Fax (55-61) 224-3874

Ministry of Development, Industry and Commerce (MDIC)

The National Institute of Metrology, Standardization and Industrial Quality (INMETRO) is the Brazilian agency or Enquiry Point to handle comments regarding the notifications to the World Trade Organization (WTO). INMETRO also conducts tests of domestic and imported products (industrial or food products) to check that they meet the specifications of their labels.

Ministry of Science and Technology (MCT)

The National Technical Commission on Biosafety (CNTBio), an inter-governmental Commission which is based in the Ministry of Science and Technology, was formed as a result of the 1995 Brazilian Biosafety Law. CNTBio 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. CNTBio is composed primarily of scientists from government and academia, but also has representation from industry and consumer groups.

The major laws and regulations that provide CNTBio's regulatory authority for domestic and imported Biosafety issues, such as GMO's are:

*Law 8,974 of January 5, 1995

*Decree 1,752 of December 20, 1995

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diario Oficial (Brazil's Federal Register): <http://www.in.gov.br>

Ministry of Justice (MJ)

The Department of Consumer Protection and Defense, 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 which assists consumers directly in pursuing their rights.

The major laws and regulations that provide the Ministry of Justice regulatory authority over domestic and imported food products are:

*Law 8,078 of September 11, 1990

Note: Brazilian federal regulations for 1998 and 1999 can be found in the home page of the Diario Oficial (Brazil's Federal Register): <http://www.in.gov.br>

B. LABELING REQUIREMENTS

In general, packaging for retail consumer food and beverage products is more elaborate in Brazil than in other Latin America countries. 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 of imports.

As noted above, the Brazilian Consumer Protection Law number 8,078 of September 11, 1990, requires that all domestic and imported food and beverage must provide the consumer with correct, precise, clear and easily readable information about the product in **Portuguese**.

It was a 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	Statement of Ingredients
Country of Origin	Special Storage Instructions (when necessary)
Net Weight (in metric units)	Date of Production
Food Additives and Colors	
Expiration Date (shelf life, established by the manufacturer)	

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 or validity or shelf life date is very important for Brazilian consumers, and should never be overlooked for marketing purposes.

Labeling of Animal Origin Products (Processed Meats, Dairy Products):

The Department of Animal Origin Products Inspection (DIPOA), Ministry of Agriculture and Supply (MAA) 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 to the plant operator, questionnaires must also be signed by the government inspector at the plant.

Directive 371/97 contains the technical regulations for labeling products of animal origin. As of January 4, 2000, only those products which have their labels pre-approved by DIPOA will be allowed to enter Brazil. For additional information, U.S. exporter should contact the Food Safety and Inspection Service (FSIS) at:

International Programs
Food Safety and Inspection Service (FSIS)
U.S. department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250
Tel.: (202) 720-6400
Fax: (202) 720-7990

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 the pre-approval of labels for seafood products. The Brazilian importer or agent of the U.S. plant/exporter must file a questionnaire with DIPOA officials in Brasilia requesting label approval before shipping the product.

Labeling of Other Food Products:

Food products other than animal origin products must be registered with the National Agency of Sanitary Surveillance (ANVS), Ministry of Health. ANVS will require that the exporter presents the so-called "FDA's Good Manufacturing Practices (GMP) certification as part of the request for processing plant and label approval. The FAS office in Brasilia can provide U.S. companies with names and addresses of Brazilian firms which specialize in assisting with the registration of labels with the Ministry of Health.

C. FOOD ADDITIVE REGULATIONS

The ANVS within the Ministry of Health is the agency responsible for the regulatory approval of food or coloring additives in foods. In general, ANVS requirement follows FDA regulation for food additives. For a complete list of approved food and coloring additives the U.S. exporter should contact ANVS directly or a consulting firm in Brazil which specializes this area.

D. PESTICIDE 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 which are intended for human and animal consumption.

Regulatory authority for the registration of agricultural chemicals in Brazil is divided among three agencies of

the federal government; the Ministry of Agriculture and Food Supply (MAA) is the initial point for the petition for registration. The MAA will then forward the petition to the Ministry of the Environment which will assess the possible environmental impact of that specific chemical. The petition is then sent to the Ministry of Health which will assess the toxicology aspects of the product. Finally, the petition is returned to the MAA for final approval and registration.

E. OTHER REGULATIONS AND REQUIREMENTS

Brazilian Inspection Requirements for Meat and Dairy Products

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

At the current time, the only federal agency eligible to approve U.S. processing meat plants is the Food and Safety Inspection Service (FSIS), U.S. Department of Agriculture. The U.S. exporter must request that the processing plant be included in the list of approved plant to export to Brazil through FSIS. FSIS then will then request, through the FAS office in the American Embassy in Brasilia, that the processing plant be included in DIPOA's approved list of U.S. meat plants.

At the current time, the only federal agency eligible to approve U.S. processing dairy plants is the Agricultural Marketing Services (AMS), U.S. Department of Agriculture. The U.S. exporter must request that the processing plant be included in the list of U.S. Dairy Plants Surveyed and Approved for USDA Grading Service. The exporter can request directly through the FAS office in the American Embassy in Brasilia that his plant be included in DIPOA's approved list of U.S. dairy plants.

The same procedure applies for exports of U.S. seafood. The U.S. plant must be inspected by either NOAA/NMFS or FDA/HHS before exporting to Brazil.

All samples and mail orders of products of animal origin shipped to Brazil must come from plants approved by DIPOA officials.

Brazilian Inspection Requirements for Plant Products

All U.S. unprocessed products of plant origin (bulk grains, fresh fruits and vegetables, nuts, seed, etc.) can only be exported to Brazil if accompanied by a 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 latest import requirement from Brazil for unprocessed plant products as Brazil's regulations in this area are changing frequently due to the gradual harmonization of plant health regulations within MERCOSUL.

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

Brazilian Inspection Requirements for Animal Genetics

The Department of Animal Health (DDA), Ministry of Agriculture and Food Supply (MAA) is responsible for issuing the animal health requirements for imports of live animals, semen and embryos. In addition, the Office of Rural Development (SDR) must also issue the genetic requirements/standards for each breed of animal. 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

Brazilian Inspection Requirements for Animal Feed

U.S. exporters of animal feed and fodder, including pet food, must be registered with the Department of Development and Surveillance of Plant Production (DFFPV), Office of Rural Development (SDR), Ministry of Agriculture and Food Supply (MAA). The first step is for the U.S. exporter of animal feed to find an importer (or a legal representative) in Brazil who must file the request for registration of the imported product with DFFPV/MAA. The importer must also be registered with the Ministry of Agriculture before submitting his 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 Animal Health (DDA), Ministry of Agriculture and Food Supply (MAA). DDA does not register growth promotants (hormone) for beef cattle, but does for dairy cattle. The first step for the U.S. exporter of veterinary biologics is to find an importer (or a legal representative) in Brazil to file the request for registration with DDA/MAA. The importer must also be registered with the Ministry of

Agriculture before submitting his request for registration. A comprehensive questionnaire must be filled out including label information.

Alcoholic and Other Beverages

The Department of Plant Health and Inspection Service (DDIV), Ministry of Agriculture and Food Supply (MAA) has the regulatory authority to enforce federal laws regarding the registration, and labeling of 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 DDIV provides a broader spectrum of services, including laboratory tests, etc.

Ice Cream

Registration of ice cream is done by the National Agency of Sanitary Surveillance (ANVS), 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.)

F. 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.

Supplemental/Dietary Foods

The import of infant formula, dietary and supplemental foods are under the responsibility of the National Agency of Sanitary Surveillance (ANVS), 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.)

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 by the large interest of the 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 about organic products, either for imports or exports.

The rapid growth of organic farming in Brazil prompted the Brazilian government to regulate the sector. On May 19, 1999, the Minister of Agriculture and Food Supply (MAA) published in the Diario Oficial (Brazil's

Federal Register) Normative Instruction Number 7, which contains the standards for production, classification, processing packaging, imports, 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, the shipment must be accompanied by a "certificate of organic quality". The Office of Agricultural Protection (SDA) of the Ministry of Agriculture and Food Supply (MAA) has the authority regarding import approval of organic products.

G. COPYRIGHT/TRADEMARK LAWS

Protecting intellectual property rights is basically the responsibility of each company. Obtaining registered protection for the company's intellectual property rights in Brazil is a matter for private legal counsel. A major concern of foreign companies trading with Brazil is that protection of intellectual property rights is often inadequate and uncertain. Brazil is a signatory to the Paris, Bern and Universal Copyright conventions on Intellectual Property Rights (IPR) protection. Most of the country's statutes on IPR are consistent with Western standards. The Industrial Property Law was enacted in 1996. Enforcement of IPR regulations is handled by the National Institute of Industrial Property (INPI) a federal agency within the Ministry of Development, Industry and Commerce (MDIC).

Some issues of concern to foreign patent holders are INPI's slow processing of patent applications, the federal judiciary's uncertain application of patent law, and the potential for arbitrary interpretation of compulsory licensing requirements.

H. IMPORT PROCEDURE

Establishing a Business Relationship

All the customary import channels exist in Brazil: agents, distributors, broker, wholesaler, 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. An unique factor in 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 to a lesser extend in Rio de Janeiro, Belo Horizonte, Curitiba, Port Alegre, Salvador, Recife and Fortaleza.
- b) Participation in trade shows , such as the National Supermarket Convention and Exhibition (ABRAS show), held annually in September in Rio de Janeiro, or 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 which

target specific products and sectors.

c) A well-qualified Brazilian importer should have an office in one of the above mentioned cities and must be registered with the Brazilian Foreign Trade Office (DECEX) of the Ministry of Development, Industry and Commerce (MDIC).

d) Import duties and taxes. Since 1990, Brazil has eliminated a number of non-tariff barriers to imports, and lowered most import duties on commodities and foods. Import duties vary from (10 to 15%) for most bulk agricultural products to (15 to 25%) to highly processed food products. Today, Brazil, together with its MERCOSUL partners (Argentina, Uruguay, and Paraguay), applies the MERCOSUL Common External Tariff (CET). In addition, Chile and Bolivia, as associate members of MERCOSUL enjoy preferential import tariffs.

Documentation and Merchandise Entry

After you establish your business relationship, and negotiate your sale, the following basic steps are followed by your Brazilian importer, or agent:

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;

c) In case of some agricultural products (plants, seeds, etc); animal genetics (live animals, semen, etc.) and products of animal origin (meats, dairy, etc.) the importer must check with the Ministry of Agriculture and Food Supply (MAA) 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 products of animal origin, the Ministry of Agriculture and Food Supply (MAA) 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 in order to close the foreign exchange transaction.

Note: Before shipping an exporter should ask that the importer open an irrevocable and confirmed Letter of Credit to avoid default.

APPENDIX I - LIST OF MAJOR REGULATORY AGENCIES

Office of Agricultural Protection (SDA)
Ministry of Agriculture and Food Supply (MAA)
Esplanada dos Ministerios, Bloco D
Anexo B, 4 Andar, Sala 406
Brasilia, DF 70043-900
Phone: (55-61)218-2314/15
FAX: (55-61) 224-3996 or 218-2316
Internet site: <http://www.agricultura.gov.br>

Office of Rural Development (SDR)
Ministry of Agriculture and Food Supply (MAA)
Esplanada dos Ministerios, Bloco D, 3 Andar Sala 304
Brasilia, DF 70043-900
Phone: (55-61) 321-3594
Fax: (55-61) 321-4524
Internet site: <http://www.agricultura.gov.br>

National Agency of Sanitary Surveillance (ANVS)
Ministry of Health
Esplanada dos Ministerios, Bloco G
70058-900 Brasilia, DF
Phone: (55-61) 315-2343
Fax: (55-61) 225-6056
Internet site: <http://www.saude.gov.br>

Ministry of Development, Industry and Commerce (MDIC)
Esplanada dos Ministerios, Bloco J
70056-900 Brasilia, DF
Phone: (55-61) 329-7000
Fax: (55-61) 329-7230
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) 412-3000
Fax: (55-61) 412-1721
Internet site: <http://www.fazenda.gov.br>

Brazilian Environment Institute (IBAMA)
SAIN - Av. L 4 Norte
70800-200 Brasilia, DF
Phone: (55-61) 226-8221
Fax: 322-1058
Internet site: <http://www.ibama.gov.br>

Ministry of Science and Technology (MCT)
Esplanada dos Ministerios, Bloco E
70067-900 Brasilia, DF
Phone: (55-61) 321-8886
Fax: (55-61) 225-7496
Internet site: <http://www.mct.gov.br>

Ministry of Justice
Esplanada dos Ministerios, Bloco T
70064-900 Brasilia, DF
Phone: (55-11) 224-0954
Fax: (55-61) 322-6817
Internet site: <http://www.mj.gov.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>

Foodstuff (Consultant for food registration)
Alameda Guainumbis, 1089
04067-002 Sao Paulo, SP
Phone: (55-11) 5561-3276
Fax (55-11) 535-3976

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>

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

Agricultural Trade Office (ATO/FAS)
Alameda Santos, 2224 Ed. Suarez Trade
Conj. 11
01418-200 Sao Paulo, SP
Phone: (55-11) 282-3528
Fax: (55-11) 883-7535
E-mail: atosp@unisys.com.br

Office of Agricultural Affairs (OAA/FAS)
American Embassy, Brasilia
Av. das Nacoes, lote 3
70403-900 Brasilia, DF
Phone: (55-61) 226-3159
Fax: (55-61) 226-6784
E-mail: Agbrasil@fas.usda.gov

APPENDIX II - WORLD TRADE ORGANIZATION (WTO) ENQUIRY POINT

Each World Trade Organization (WTO) member government is responsible for the notification procedures associated with agreement. Examples here relate to the Sanitary, phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include:

- notifying any trade significant proposals which are not substantially the same as international standards to the WTO; providing copies of the proposed regulation upon request;
- allowing time for comments;
- providing upon request copies of other relevant documents on existing regulations related to food and agriculture.

Information on the country's regulations, standards and certification procedures can also be obtained through the **Enquiry Point(s) listed below:**

Centro de Informacao e Difusao Tecnologica - CIDIT
Instituto Nacional de Metrologia, Normalizacao e Qualidade Industrial - INMETRO
Av. N.S. das Gracas 50
25250-020 Duque de Caxias, RJ
Brasil
Internet site: <http://www.inmetro.gov.br>
Tel: (55) (21) 779 1409
Fax: (55) (21) 779 1631 or (55) (21) 779 1405