Brazil

Post: Sao Paulo ATO

Market Access Brief for Organic Products

Report Categories:
Market Development Reports

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Report Highlights:
U.S. exporters often reach out to our office with questions about market access and Brazil’s import regulations, finding legislation confusing and not transparent. To bring a bit more clarity, ATO Sao Paulo prepared a series of Market Access Briefs by product category. These briefs are intended to serve as a guide for each step of the export process from formula study and label development to shipping and final customs clearance. ATO Sao Paulo also assigned a complexity level for each product category. The information contained in each brief was developed in concert with private consultants, importers, and customs agents.
I. Import Procedures for Organic Products into Brazil

Level of complexity of importing organic products into Brazil: Medium

1) Formula Study
Under the Brazilian legislation, regulators must maintain “positive” lists of ingredients approved for consumption. In addition, all food or beverage ingredients must meet government specifications and tolerance levels. The “Technical Regulation” provides the “Identity and Quality Standard” (PIQ) for any given product. This means that only specifically authorized products (including additives, colorings, preservatives, etc.) are allowed to enter the market. All imported organic products must comply with Brazilian legislation. It is recommended to perform a compliance study to determine if the organic product is in accordance to Technical Regulations (RT), limits of additives and food safety criteria. In case of non-compliance, the product must be adjusted to the requirements of the legislation.

2) Product Registration
The complex nature of importing organic products to Brazil is the same as provided for the category of the food classification. Therefore, the organic products should comply with all requirements of the specific legislation applicable to the product, plus the requirements for labeling of the product as organic in Brazil. This document focuses exclusively on the organic classification of product, without considering the issues of each food or beverage.
a) General Standard
   - Law nº 10,831 of December 23, 2003,
   - Decree nº 6,323 of December 27, 2007,
   - MAPA/MMA Normative Instruction nº 17 of May 28, 2009,
   - MAPA/MS Normative Instruction nº 18 of May 28, 2009,
   - MAPA Normative Instruction nº 19 of May 28, 2009,
   - SDA/MAPA Normative Instruction nº 25 of June 23, 2009,
   - MAPA/MMA Normative Instruction nº 25 of August 19, 2010,
   - Decree nº 7,048 of December 23, 2009,
   - MAPA/MS Normative Instruction nº 24 of June 1st, 2011,
   - MAPA/MPA Normative Instruction nº 28 of June 08, 2011,
   - MAPA Normative Instruction nº 37 of August 02, 2011,
   - MAPA Normative Instruction nº 38 of August 02, 2011,
   - MAPA Normative Instruction nº 46 of October 06, 2011,
   - Decree nº 7,794 of August 20, 2012,
   - SDA/SDC Joint Normative Instruction nº 02 of July 12, 2013,
   - MAPA Normative Instruction nº 18 of June 20, 2014, and
   - SDA/SDC Joint Normative Instruction nº 01 of November 6, 2015.

3) A product already certified in the USA needs certification in Brazil?
   To commercialize Organic products in Brazil, foreign producers must obtain a certification of an agency authorized by the Ministry of Agriculture, Livestock, and Supply - MAPA and comply with Brazilian specific standards. The products certified by international standards (such as NOP, EU, JAS) are not automatically recognized as organic and must certify by the Brazilian standard.

   In that case, the company must contact one of certification companies, or the Organic Conformity Assessment Body (OAC) accredited with the Ministry of Agriculture, Livestock, and Supply - MAPA to request the certification of the organic product.

4) Label Development
   If the label of a product is not in Portuguese, it is possible to place an adhesive label containing all mandatory information in Portuguese over the original label. This label can be placed at origin or in Brazil, but always before its commercialization.
   a) General Rules
      - MAPA Normative Instruction nº 19 of May 28, 2009.

5) Regularization of product and importation procedures
   The imported organic products must comply with the requirements of composition, labeling, registration, as well as importation procedures defined for the category of product. For example, an organic fruit juice has to meet all criteria defined in Market Access Brief for nonalcoholic beverages and with the legislation of organic products about composition, certification, and labeling.