

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Market Access Brief for Vegetables

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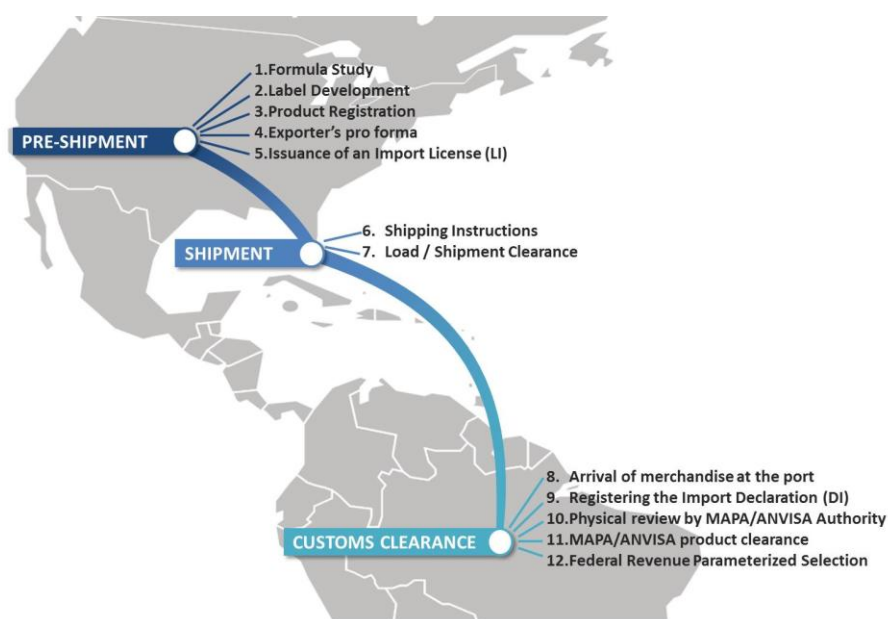
Report Highlights:

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.

DISCLAIMER: This report was developed by the U.S. Agricultural Trade Office (ATO), USDA/Foreign Agricultural Service in Sao Paulo, Brazil, in collaboration with private consultants, importers and customs agents. While every possible care has been taken in the preparation of the study, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies and procedures are not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their Brazilian 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 RULE AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

I. Import Procedures for Vegetables into Brazil

Level of complexity of importing vegetables 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 vegetables must comply with Brazilian legislation. It is recommended to perform a compliance study to determine if the vegetable 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.

Before exporting any product of plant origin to Brazil, see the list of Vegetable Products with Importation Authorized - PVIA in MAPA Website, Analysis of Pest Risk (ARP), to check for the products and parts of vegetable products that may enter the country. To do that, access the site www.agricultura.com.br, go to “Vegetal” > “Mais Informações” > “Serviços Relacionados” > “Sanidade Vegetal” > “Análise de Risco de Pragas” > “Lista de Produtos Vegetais de Importação Autorizada.”

The importation of a vegetable to Brazil depends on the preparation of the Analysis of Pest Risk, and the application for an ARP. The party interested in importing the plant species can request an ARP. An application for an ARP process is made with the Federal Agriculture Superintendencies – SFAs in the States or directly in the Department of Vegetal Safety - DSV in the Ministry of Agriculture, Livestock and Supply – MAPA in Brasília. The interested party must provide the information contained in Exhibit I of MAPA Normative Instruction nº 06/05 to open the ARP process.

The draft legislation containing the phytosanitary requirements set forth for the importation of plant species requires the preparation of an ARP report. The ARP report is prepared by the DSV or by a collaborating center authorized by MAPA and contracted by the interested party (item 3 of MAPA Normative Instruction nº 06/05).

After the analysis of the ARP report by the DSV technicians, the specific phytosanitary requirements for the importation of plant species, vegetable part, proposed use, country of origin are determined. The ONPF of the exporting country receives a draft of a Normative Instruction for their manifestation. After a negotiation period among the interested parties, the phytosanitary requirements are published in the Federal Official Gazette. After the inclusion of vegetal species, vegetable part, country of origin in the list of Plant Products Authorized for Importation – PVIA, MAPA authorizes the importation under the phytosanitary perspective.

To export authorized products, see the classification and designation of your product in the Technical Regulations, and the legislation about additives and food safety. If MAPA does not have any approved classification for the product, there are no criteria set forth for it, and the product can be exported to Brazil, provided it is in the list of vegetables permitted to enter Brazil.

Legislation:

- a) Technical Regulations (*Food Standard*)
 - Decree nº 24,114 of April 12, 1943
 - Law nº 9,972 of May 25, 2000,
 - MAPA Normative Instruction nº 06 of May 16, 2005
 - Decree nº 6,268 of November 22, 2007

- b) Food Additives
 - RDC Resolution nº 60 of September 05, 2007
 - RDC Resolution nº 12 of March 07, 2008
 - RDC Resolution nº 45 of November 03, 2010
 - RDC Resolution nº 46 of November 03, 2010
 - RDC Resolution nº 07 of March 06, 2013
 - RDC Resolution nº 08 of March 06, 2013

- c) *Food Safety*
 - Contaminants
 - .Decree nº 55,871 of March 26, 1965
 - .SNVS/MS Ordinance nº 11 of May 15, 1987
 - .SVS Ordinance nº 685 of August 27, 1998
 - .RDC Resolution nº 42 of August 29, 2013
 - Microbiology

- .RDC/ANVISA Resolution n° 12 of January 02, 2001
- Mycotoxins
 - .RDC Resolution n° 7 of February 18, 2011
 - .RDC Resolution n° 59 of December 26, 2013
 - .RDC Resolution n° 138 of February 08, 2017
- Foreign Matter
 - .RDC Resolution n° 14 of March 28, 2014
- Pesticide Residues
 - .RE Resolution n° 165 of August 29, 2003

2) Product Registration

The fresh vegetables do not need registration with MAPA. Only the importer needs a registration.

3) Label Development

For mandatory wording of labels, please see the resolution establishing MAPA Classification of the relevant product. To do that, please search classification in the Website:

www.agricultura.gov.br > Legislação > Sistema de Consulta à Legislação (Sislegis) and perform the research.

In the absence of a standard for classification of the product to be exported, the labeling must comply with the general legislation about vegetable classification (Law n° 9,972/00 and Decree n° 6,268/07).

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. In general, the label and tag must contain the following information:

a) *Mandatory items in Front Panel*

- Technical name, as defined in the specific Technical Regulations
- Brand
- Information about alcohol content
- Weight/volume indication – note the minimum height for figures and letters, according to the following table

Net content (g or ml)	Minimum height of letters (mm)
Lower than or equal to 50	2.0
Higher than 50 and lower than or equal to 200	3.0
Higher than 200 and lower than or equal to 1,000	4.0
Higher than 1,000	6.0

When the original package of the product does not show any indication of quantity in the main panel or shows dimensions or units in disagreement with those determined in the INMETRO Ordinance n° 157/02, such information should be inserted on the label before the product goes to the final consumer.

b) *Other Mandatory items*

- List of Ingredients
- Warnings (allergens, gluten, alcohol consumption and others)
- Origin Country

- Manufacturer data (name and complete address)
- Importer data (corporate name, complete address and CNPJ)
- Number of importer registration
- Expiration date
- Lot. Manufacturing date or expiration date can replace the lot
- Conservation care
- Instructions for use and preparation, as applicable
- Nutrition Information mandatory information that must be according to RDC Resolutions n° 359, 360/03 and n° 163/06. The Nutrition Facts should follow one of the ANVISA approved formats and provide mandatory information about:
 - .energetic value
 - .carbohydrate
 - .protein
 - .total fat
 - .saturated fat
 - .trans fat
 - .dietary fiber
 - .sodium.

Following is one of the approved formats for a nutrition facts table:

NUTRITION FACTS		
Serving... g or ... ml (household measure)		
Quantity per serving		% VD (*)
Energetic valuekcal =....kJ	
Carbohydrate	g	
Protein	g	
total fat,	g	
saturated fat,	g	
<i>Trans</i> fats	g	**
dietary fiber, and	g	
Sodium	mg	

* % Daily Values based on a 2,000-kcal or 8,400-kJ diet. Your daily values can be higher or lower, depending on your energy needs.

** Daily Value not established.

The Nutrition Facts must provide information per serving of the food, indicating its corresponding Household Measure. A serving is the average amount of food that should be consumed by healthy persons, with age above 36 months, at each consumption occasion, to allow a healthy diet. The term Household Measure is the measure equivalent to the serving of food, obtained by using a utensil that is commonly employed by the consumer to measure food (for example, glass, cup, tablespoon and others). The RDC Resolution n° 359/03 determines the servings of each food and their corresponding household measures.

Legislation:

a) General Rules

- Decree n° 24,114 of April 12, 1943

- Decree n° 55,871 of March 26, 1965
- Law Decree n° 986 of October 21, 1969
- Law n° 9,972 of May 25, 2000
- RDC Resolution n° 259 of September 20, 2002; RDC Resolution n° 123 of May 13, 2004
- MAPA Normative Instruction n° 06 of May 16, 2005
- Decree n° 6,268 of November 22, 2007

b) Net weight declaration

- INMETRO Ordinance n° 157 of August 19, 2002
- INMETRO Ordinance n° 153 of May 19, 2008

c) *Warnings*

- Aspartame, Polyalcohols
.SVS/MS Ordinance n° 29 of January 13, 1998
- Tartrazine
.RDC Resolution n° 340 of December 13, 2002
- Gluten
.Law n° 10,674 of May 16, 2003
- GMO
.Decree n° 4,680 of April 24, 2003
.CC/PR/MJ/MS/MAPA Joint Normative Instruction n° 01 of April 1, 2004
.MJ Ordinance n° 2,658 of December 22, 2003
- Allergens
.RDC Resolution n° 26 of July 02, 2015
- Lactose
.Law n° 13,305 of July 04, 2016
.RDC Resolution n° 136 of February 08, 2017
- Irradiation
.Decree n° 72,718 of August 29, 1973
.RDC Resolution n° 21 of January 26, 2001

d) Nutritional Claims

- RDC Resolution n° 54 of November 12, 2012
- RDC Resolution n° 03 of February 04, 2013

4) **Exporter's Pro Forma**

The import operation begins after the commercialization of merchandise is agreed upon by the exporter and importer. For importation, a Pro-Forma Invoice must be created, a standard document used in international commerce, containing all information about the negotiation and details of purchased merchandise (product data, payment terms, transport mode and other data).

5) **Issuance of an Import License (LI)**

After accepting the Pro Forma Invoice, the importer must get an Import License (LI). The LI is one document issued electronically through the Integrated Foreign Trade System (SISCOMEX) by the importer and approved by MAPA. The LI is required to clear the product. The LI can be requested after the shipping of merchandise but it needs to be issued before the product arrival. The importer or a

person previously authorized to operate the SISCOMEX on behalf of the importer performs this procedure.

Legislation:

- MAPA Normative Instruction n° 36 of November 10, 2006
- SECEX/MDIC Ordinance n° 23 of July 14, 2011
- MAPA Normative Instruction n° 51 of November 04, 2011
- MAPA Normative Instruction n° 16 of June 21, 2012
- MAPA Normative Instruction n° 8 of April 22, 2014

6) Shipping Instructions

Before shipping, the importer has to provide the exporter with Shipping Instructions, consisting of information about the negotiation and terms of merchandise shipping, such as quantity of product, payment terms, the temperature of transportation, packaging, pallet, etc. *Special note on pallets*. Before shipping goods to Brazil, exporters should be aware of wood pallets and wood packaging regulations. Pallets must be in compliance with International Standards for Phytosanitary Measures N° 15 (ISPM 15) and have the International Plant Protection Convention (IPPC) stamp. For countries that have not adopted the ISPM 15 standards, the phytosanitary certificate may be substituted for the IPPC stamp, with an additional declaration on treatment records or the certificate of treatment stamped by the National Plant Protection Organization (NPPO). Wood pallets, both treated and untreated, are always inspected by MAPA. Inspectors will check for the presence of pests and may or may not release the cargo. Costs related to phytosanitary treatment or returning pallets/cargo to the country of origin will be the exporter/importers' responsibility. The pallets made with different materials (cardboard, fibers, plastics, and others) and those made with industrialized or processed wood are exempt from these requirements.

The Shipping Instructions must also contain all documents to be submitted by the exporter to the importer:

- Certificate of Analysis and Certificate of Origin, issued by a laboratory or an entity of the country of origin contained in the list available on MAPA Website.
- A commercial invoice containing following information:
 - . complete name and address of exporter
 - . full name and address of the importer
 - . specification of merchandise, in Portuguese or the official language of the General Agreement on Tariffs and Trade, or in another language, accompanied by a translation into Portuguese, at the discretion of customs authority, containing own and commercial denominations, with an indication of the elements that are indispensable for their perfect identification
 - . mark, numbers and reference number of volumes, if any
 - . quantity and type of volumes
 - . gross weight of volumes, in other words, the burden of merchandise with all its containers, packages and other wrappers
 - . net weight, i.e., the weight of the merchandise free of every wrapping
 - . origin country, the country where the production of merchandise or the last substantial transformation occurred

- . acquisition country, the country of acquisition of the merchandise for exportation to Brazil, independently of the origin country of merchandise or inputs
- . source country, the country where the merchandise was at the time of acquisition
- . unit and the total price of each type of merchandise and the amount and nature of decreases and discounts granted to the importer, if any
- . freight and other expenses referring to the merchandise specified in the invoice
- . payment terms and currency
- . term and condition of sale (INCOTERM)
- LI Statement
- Packing List (declaration with details of imported products).
- Bill of lading - The exporter submits the Shipping Instructions to the shipping company, containing the necessary information for the issuance of the bill of lading (Air Waybill (AWB), Railway Bill (RWB) or Road Bill (CMR) or Marine Bill of Lading (B/L). The bill of lading is the proof of shipping that is issued by the shipping company and contains all the details of transportation.

Legislation:

- MAPA Normative Instruction n° 36 of November 10, 2006
- Decree n° 6,759 of February 05, 2009

7) Arrival of the Merchandise at the Port

When the merchandise arrives at the port, the cargo proceeds to the Bonded Warehouse (warehouse) pre-designated by the importer. Otherwise, the cargo goes to the terminal with which the shipping company has an agreement. After the proper placement of the merchandise, the terminal confirms and generates a “Cargo Manifest”, in other words, the terminal informs the conditions of cargo receipt on the SISCOMEX. The registration of the Import Declaration (DI) in the SISCOMEX is not possible without the cargo manifest.

Legislation:

- RFB/MT Normative Instruction n° 797 of December 20, 2007
- RFB Normative Instruction n° 800 of December 27, 2007, and n° 1,473 of June 02, 2014.

8) Registering the Import Declaration (DI)

After the clearance of LI by MAPA, the importer or authorized customs agent registers the Import Declaration (DI) with the SISCOMEX. The DI is a document containing all information about the importation.

- Importer data
- Cargo data
- Bonded warehouse data
- Merchandise data
- Negotiated payment terms
- Federal taxes (Import Tax (II), Industrialized Products Tax (IPI), Social Integration Tax (PIS), and Social Contribution Tax (COFINS) and antidumping rights, as applicable); federal taxes are automatically debited from importer or customs agent account

- State taxes – State Value Added Tax (ICMS); the ICMS is collected using the Form of State Collection (GAE), which is payable at any bank branch in Brazil. The Federal Revenue Service should receive the original payment evidence.
- Additional information, as the case may be (for example, authorized customs agent)
- The exchange rate of the negotiation currency, as determined by the Brazilian Central Bank
- A detailed description of merchandise, according to the LI and the commercial invoice

The cost for registration of a DI, according to SRF Normative Instruction n° 1,158/11 is of R\$ 185,00 per DI, plus the cost of each merchandise added, which varies according to the number of additions. Cost of fee = R\$185,00 + value referring to the number of additions of DI.

Number of Additions	Value per Addition (R\$)
Up to 2nd addition	29,50
From 3rd to 5th addition	23,60
From 6th to 10th addition	17,70
From 11th to 20th addition	11,80
From 21st to 50th addition	5,90
As of the 51st addition	2,95

Legislation:

- SRF Normative Instruction n° 680 of October 02, 2006
- SRF Normative Instruction n° 1,158 of May 24, 2014

9) Physical review by MAPA Authority

The importation of products of plant origin, as well as those of animal origin, is subject to the provisions of MAPA Normative Instruction n° 36/06, and the compliance with the phytosanitary requirements set forth according to food risk category. From the six categories mentioned by MAPA, only categories 0, 1, 2, and 3 include the food products of plant origin.

Categorization of products of Plant Origin according to the phytosanitary risk.

CATEGORY OF FOOD		EXAMPLES OF FOOD PRODUCTS OF PLANT ORIGIN
0	Level of processing that exempts the need of any phytosanitary control or spread of pests.	Oils; alcohols, fruits in sugar syrup; gums, sugars; cellulose; juices; food lacquer; molasse; food coloring; frozen food; canned food; vacuum bottled; essences; extracts; pastas (for example, cocoa, quince); pre-cooked fruits and greenery, and vinegar, pickles, cooked; pulps; resins; canned vegetables.

1	Level of processing that prevents the direct contamination by pests of cultivation, but that can spread storage pests, in packaging material and transportation means.	Parboiled rice; polished, white rice; cereal derivatives, oilseeds and legumes (artificially deactivated, pellets, pies); artificially dehydrated fruits (peach, apple, pear, plum, and others); flour, starch, groats and semolinas; herbs and ground spices; dehydrated plants and plant parts; processed and semi processed mate herb.
2	Semi processed products that can host pests.	Wholegrain rice (peeled); cacao beans; cereal derivatives, oilseeds and legumes (bran, industrial residues and others); spices in dry grains or leaves; naturally dried fruits (raisins, figs and dates); shelled dry fruits (almonds, hazelnuts and others); shelled, clean, chopped, separated (rice straw and husks); plants and parts of dry plants.
3	Fresh products	Fruits and vegetables; grains; cereal seeds, oilseeds, legumes and other seeds for consumption; coffee beans, crude, unroasted coffee; spices in fruits or fresh leaves; dry shelled fruits.

Depending on the risk category of the imported product, the importation and release in Brazil requires specific documents. To obtain the customs release of goods of Category 01, as of the Phytosanitary Certificate and at the time when the merchandise arrives in Brazil, the importers must request the physical inspection of their merchandises to the Services and Units of the Agricultural and Livestock Surveillance, VIGIAGRO, providing following documents:

- Application for Inspection of Agribusiness Products – 2 copies, and
- Authorization of Importation, as required.

After the receipt and verification of documents, the Agricultural and Livestock Surveillance inspects the merchandises and, if needed, it follows the procedures of SISCOMEX. The entire inspection is performed in places and times previously scheduled, under adequate technical and operating conditions, generating a Term of Inspection containing the conclusions and notes about the release or prohibition of product(s).

The expiration of the Term of Inspection depends on the conditions of storage and perishability of products and can be reissued at each lot, as needed. The importing company must submit to VIGIAGRO the Authorization of Access for Previous Inspection granted by the Federal Revenue Service to allow the access to the Inspection Units for the performance of the inspection of products.

At first, the inspection is performed macroscopically (evaluation of general package conditions, storage, and labeling). Then, as the case may be, after the analysis of collected samples the product(s) can be released, provided it complies with the requirements of the importer or exporter country. Otherwise, a nonconformity record is issued in the form of an Incident Report.

In the case of pests found during the macroscopic evaluation of merchandise, samples are collected and sent to the official or authorized laboratory for analysis and identification. In addition to the verification of phytosanitary conditions, the inspection also classifies all imported products of vegetable origin, according to the Standards of Identity and Quality (PIQ) in force in Brazil. With this purpose, the authorized laboratories, upon the payment of a Classification Fee, issue a report for the responsible inspector to issue the Certificate of Classification.

The Incident Report informs any noncompliance with current classification legislation, and the measures to be adopted. The importer or representative of the importer of products not classified in Brazil must reject or adjust these products, according to the recommendations contained in the PIQ. The new analysis continues until the issuance of a Certificate of Classification indicating its qualification under the respective PIQ. The disqualified products have their internalization and commercialization prohibited in the national territory.

For the products in Categories 02 and 03, according to MAPA Normative Instruction n° 36/06, the procedures are equal to those mentioned previously for the Category 01, and the documents to be provided to VIGIAGRO are as follows:

- application for Inspection of Agribusiness Products – 2 copies,
- Authorization of Importation, as required,
- original Phytosanitary Certificate,
- Customs Documents for the goods (LI or LSI),
- copy of the invoice, and
- copy of the Bill of Lading or Cargo Manifest.

Finally, following are the steps performed in the SISCOMEX.

VIGIAGRO receives the Application for the Inspection of Agribusiness Products required to release the products of plant origin in Categories 01, 02, and 03 in two printed copies, or in one printed copy and one electronic copy, in the case of a computer system, and VIGIAGRO validates this application. Currently, the Application is valid for 30 days. For more than one product in the same application, use the form for additional data.

If the importation process needs changes the company should formalize the change in writing, providing a justification and supporting documents. The changes of shipping or unloading locations must be preceded by a declaration by the concerned party with the reason for such changes, and provided the new location is also approved by MAPA and has an infrastructure that is compatible with the procedure and inspection to be performed.

The Application for Inspection of Agribusiness Products is refused in case of expiration of the thirty-day validity period, merchandise shipped in violation to or noncompliance with current legislation.

After the issuance of the Phytosanitary Certificate, the company may request additional information in the document as, for example, the inclusion of wording in foreign language or information about product(s) classification.

In addition to a formal request, a sworn translation and a classification report prepared by classifiers qualified by MAPA, it is necessary to provide a Credit Letter; Technical Reports officially authorized or even a Protocol of requirements by the importer country. All this additional information to the original Phytosanitary Certificate is provided in a separate attached form.

In addition to the cases of rectification solved after the submission of an Application, if changes to or replacement of the official Certificate are necessary, the company must request them in writing, providing the reasons and evidence of the need for such changes, as well as the original Certificate.

If the document to be replaced is retained abroad, therefore preventing the provision of the original certificate, the company can submit the Term of Agreement obtained from the Inspection a period for the submission of the original document.

In case of loss or destruction of the official Certificate, the company should request its replacement and provide the police report informing the loss or destruction of the Certificate, and the Term of Agreement executed by the exporter or legal representative, informing the impossibility of using the original copy due to loss or destruction.

After the proper inspection and release of the product by a MAPA inspector, the process of clearance required by the Federal Revenue Service continues.

Legislation:

- MAPA Normative Instruction n° 36 of November 10, 2006, and
- Decree n° 6,759 of February 05, 2009.

10) Federal Revenue Parameterized Selection

After the registration of DI, the Federal Revenue Service performs the parameterization in the SISCOMEX. The system performs the parameterization, and selects one of following channels:

- Green Channel: exempts examination of documents and review of merchandise, and the release occurs in about one (01) day.
- Yellow Channel: only the review of records is required, and the release of merchandise takes place in about two (02) days.
- Red Channel: in addition to a review of documents, merchandise must be physically examined, and the release of the product takes place in about four (04) days.
- Gray Channel: this is a special customs control channel, and it may take more than 60 days after parameterization.

The parameterization process must conclude within the periods set forth, and after all correct documents for customs clearance are provided according to MAPA Normative Instruction n° 55/06:

Legislation:

- MAPA Normative Instruction n° 36 of November 10, 2006,
- Decree n° 6,759 of February 05, 2009, as amended, and
- MAPA Normative Instruction n° 55 of November 18, 2009.