

HOW TO START IMPORTING



4th EDITION

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Edition of 2018, February.

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This e-book was designed to guide companies who want to start importing in Brazil.

They are the necessary precautions in the planning of an import process and aims to address the main doubts of the importers.

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Radars (Registro e Rastreamento da Atuação dos Intervenientes Aduaneiros) is the qualification that the importer needs to obtain with the Federal Customs in order to initiate the importation processes.

The Radar can be requested in two modalities, according to the company's need:

- * Express - for imports with a value less than or equal to US\$ 50,000.00 (fifty thousand dollars) in the period of 6 consecutive months;

- * Limited - for imports over US\$ 50,000.00 (fifty thousand dollars) and less than or equal to US\$ 150,000.00 (one hundred and fifty thousand dollars) in the period of 6 consecutive months.

- * Unlimited - for imports with a value higher than US\$ 150,000.00 (one hundred and fifty thousand dollars) in the period of 6 consecutive months;

To request the unlimited modality, the company must prove financial capacity compatible with the transactions that it intends to carry out.

The request of the authorization in the express modality can be done in Portal Habilita, through the link:

<https://portalunico.siscomex.gov.br/portal>

For the limited and unlimited modalities, the qualified professional to assist you in this process is the customs broker.

CHOOSING THE PRODUCT



During the process of choosing the product, it is important to check the legal requirements to import the product, such as:

- Import license;
- Certification of the product;
- Application of antidumping fee;
- Requirement of prior registration of the company in the Government departments;
- Special labeling demands, among others.

This analysis should be performed based on the tax classification of the product (NCM), characteristics as raw material, functionality and use of it.

Since legislation can be changed between one shipment and another, it is important that this analysis be carried out periodically.

PRODUCT CLASSIFICATION (HS)



The correct classification of the product in the Harmonized System (HS / NCM) is fundamental to identify the product, as well as several important information: taxes, statistical data, negotiation of lower rates by international agreements, increase of taxes by application of antidumping fee, etc.

The correct NCM helps prevent problems with the Customs clearance and avoid any import penalties.

ANTIDUMPING



Antidumping is a trade defense measure applied by the government, whose purpose is to prevent domestic producers from being harmed by imports made at a price below the market price.

The list of measures in force can be found at:
<http://www.mdic.gov.br/index.php/comercio-exterior/defesa-comercial/854-medidas-em-vigor>

A list of ongoing investigations can be found at:
<http://www.mdic.gov.br/index.php/comercio-exterior/defesa-comercial/851-investigacoes-em-curso>

PRODUCT CERTIFICATION



In order to guarantee the quality of imported products, Inmetro constantly publishes standards establishing the product certification.

Even if the NCM of your product does not require Import License, if it is listed in the list of products that need to be certified, it is necessary to do the certification of the product prior to shipment so that it can be commercialized in the domestic market.

The list of products that need certification can be found at the link:

<http://www.inmetro.gov.br/qualidade/rtepac/compulsorios.asp>

In addition, some products need to be registered by the companies that intend to import them in agencies involved in foreign trade, such as ANATEL (import of drones, cell phones, etc.).

PRODUCTS FOR HEALTH CARE



Health care products may need product registration at Anvisa. Thus, it is essential check if it's required any registration before finalizing the purchase of the product.

If necessary, prior to registration of the product, it is importante to regularize the social contract (including, in the corporate purpose, the activities of importing and commercialization of the medical products), change the Sanitary Permit (including the same activities) and obtain the AFE (Operating Permit) of the importer.

There are some products that, even though they do not require registration, are subject to import registration and / or communication. Therefore, consulting a customs broker is essential whenever the company wants to import products from health care.

CHOOSING THE EXPORTER



It is important to find out if the exporter is regularly registered as an exporter in his country of origin, because if there is an investigation by the Customs, they can request the consularised documents that instructed the export.

It is also essential that you be informed if the exporter is also the manufacturer and if not, they must provide the complete data of the manufacturer and the exporter.

This is a legal requirement and the inaccurate information of these data is subject to fine to be applied by the Customs as well as delay in the goods clearance.

IMPORT LICENSE



In general, Brazilian importation are exempted from licensing, and the importer should only arrange the registration of the Import Declaration (DI) in SISCOMEX, when the merchandise arrives in the national territory. In some cases, however, licensing is required, which may be automatic or non-automatic, depending on the product or foreign trade operation carried out, requiring an Import License (LI) with prior authorization from one or more government departments.

The Import License (LI) is an electronic document registered by the customs broker in SISCOMEX, based on the information contained in the commercial invoice, such as description, quantity, value, importer and exporter data, country of origin and acquisition, tax, among others.

Import License (LI) may be pre-shipment or post-shipment. In cases where it is pre-shipment, it is necessary that the approval of the LI be obtained before the shipment of the goods abroad. In cases where LI is post-shipment, LI must be approved after the arrival of the merchandise in Brazil and before registration of the Import Declaration.

INCOTERMS



The Incoterms are important to define the rights and obligations of the exporter and the importer.

The most common incoterms are:

EXW - The exporter will deliver the goods in his warehouse, thus, the importer is responsible for the payment of the transportation of the cargo to the port / airport of origin, release expenses, international freight and international insurance.

FOB / FCA - The exporter will deliver the goods released at the port / airport of origin, thus, the importer is responsible for the payment of international freight and international insurance.

CFR - The exporter will deliver the merchandise in Brazil and the importer is only responsible for the payment of international insurance.

The choice of incoterm is fundamental to the correct simulation of product cost.

LABELING



During the negotiation with the exporter, it is important to request that the basic labeling information be affixed to the product package or even to the product itself (according to the specificity and type of the goods).

All data must be in Portuguese and the basic informations that must be included in the labeling are: complete importer data, customer service contact, country of origin, product validity and use instructions.

These are the basic information and, if there is any specific legislation, the labeling should be complemented as required by it.

It should be noted that, in cases of import by account and order and importation by order, in addition to the data of the importer, must also include the data of the distributor / orderer.

IMPORTATION TYPES



* **Normal import**

It is the usual import procedure, either for product commercialization or for your fixed assets.

It is essential that the exporter provides this status (commercialization or fixed assets), so that it is informed in the Import Declaration.

In case of import by account and order and import by order, this information must also be passed on to the customs broker for inclusion in the Import Declaration.

* **Customs Warehousing Regime**

The Customs Warehousing Regime on importation and exportation allows the storage of merchandise in a bonded place with suspension of payment of the taxes incident.

If the importer intends to leave the merchandise under the Customs Warehouse regime, it is essential to inform the customs broker during the negotiation of purchase, so that the payment and the documents (commercial invoice and packing list) are issued properly.

It is a process that requires authorization from the Customs and, therefore, must be notified to the customs broker with at least 30 days in advance.

*** Temporary admission**

It is the customs regime that allows the entry into the Country of certain goods, with a specific purpose and for a determined period of time, with the total or partial suspension of the payment of customs tax, with the commitment to be re-exported.

It is a process that requires authorization from the Customs and, therefore, must be notified to the customs broker with at least 30 days in advance.

*** Drawback**

The special drawback customs regime consists of the suspension or elimination of taxes levied on inputs imported for use in exported products. This is an incentive for exports, as it reduces the costs of producing exportable products, making them more competitive in the international market.

There are basically two modes of drawback: exemption and suspension.

The first modality consists of the exemption of taxes levied on the importation of merchandise, in equivalent quantity and quality, destined to the replacement of another previously imported, with payment of taxes, and used in the industrialization of exported product.

The second, in the suspension of taxes levied on the importation of merchandise to be used in the industrialization of the product to be exported.

It is a process that requires authorization from the Customs and, therefore, must be notified to the customs broker with at least 30 days in advance.

IMPORTATION DOCUMENTS



This is an important point in the import process and the exporter should be alerted to the information that needs to be included in the commercial invoice and packing list.

Among the information required by, we can highlight:

- the complete name and address of the exporter;
- full name and address of the importer;
- specification of the goods in Portuguese or in the official language of the General Agreement on Tariffs and Trade or, if in another language, accompanied by a translation into Portuguese, containing the proper and commercial names indispensable for their perfect identification. The official languages of the General Agreement on Tariffs and Trade are: English, French and Spanish;
- Mark, numbering and, if any, reference number of packages;
- Quantity and kind of packages;
- Gross weight of the packages, meaning, as such, the merchandise with all its containers, packaging and other wrappers;
- Net weight, thus taken to be that of the goods free of any wrap;

- Country of origin, as understood as the place where the goods were produced or where the last substantial transformation occurred;
- Country of acquisition, thus considered the country from which the goods were acquired for export to Brazil, regardless of the country of origin of the merchandise or its inputs;
- Country of origin, thus considered the country where the merchandise was located at the time of its acquisition;
- the unit and total price of each type of commodity and, if any, the amount and nature of the reductions and discounts granted to the importer;
- Freight and other expenses related to the goods specified in the invoice;
- Conditions and currency of payment; and
- Term of sale condition (INCOTERM).

In addition to the above information, it is important to advise the exporter that the commercial invoice must be hand signed with a blue pen. The Customs does not accept stamped signatures.

IMPORTATION DISPATCH



Customs clearance of goods upon importation is the procedure by which the accuracy of the data declared by the importer in relation to the imported goods, the documents presented and the specific legislation for customs clearance is verified.

Any goods imported from abroad, imported definitively or not, whether or not subject to payment of the import tax, must be submitted for import dispatch, which is carried out based on a declaration presented to the Customs.

The documents that instruct the import dispatch are:

- original copy of the Bill of Lading or equivalent document;
- original copy of the commercial invoice, signed by the exporter;
- original packing list;
- others documents required as a result of International Agreements or specific legislation.

The documents must be submitted to Customs inspection whenever requested and, therefore, the importer must

keep them for the period established in the legislation, which may vary, but never less than 05 years.

The clearance time depends on the DI parameterization channel, which can be:

- * Green channel: the system will proceed to the automatic clearance of the declaration, not being obligatory the Customs conference;
- * Yellow channel: it is mandatory the documentary examination by the Customs;
- * Red channel: it is mandatory the documentary examination and the inspection of the goods by the Customs;
- * Gray channel: in addition to the documentary examination and the physical verification of the goods, a special Customs control procedure is applied, to verify elements indicative of fraud, including the analysis of the declared price of the goods.

It should be noted that the DI parameterisation is random and made by the Customs system and takes into account the NCM of the product and the VAT number of the importer.