



UK P&I CLUB

Ship Type: All Trade Area: Brazil

Bulletin 495 - 11/06 - New Customs Regulations - Brazil

The Association would like to alert Members to new Customs regulations that are soon to come into force and others that came into force recently in Brazil.



1. Medida Provisoria (Executive By-law)

Already in force, no. 320, article 24, paragraph 1, of this regulation obliges carriers with cargoes covered by "to order" Bs/L to return or to destroy all mentioned cargoes which are not in accordance with Brazilian regulations for environmental protection, public health and public safety, phytosanitary and zoosanitary conditions. Failure to comply will lead to fines of 10 times the value of the freight.

2. Exported and imported cargoes

The Brazilian Customs are implanting a new automatic manifest system with an expected coming into force date of 01 December 2006. This regulation will affect carriers, exporters and shippers as follows:

a) A draft of the B/L will have to be presented to Customs 72 working hours before the expected date of the ship's operation. If the draft is presented between 72 and 48 working hours prior to the operation, the ship will be allowed to operate, but she will be fined for the delay. If the draft of the B/L is presented less than 48 working hours prior to the operation, the ship will not be allowed to operate.

b) Carriers will also be obliged to inform the volume of the cargoes in cubic meters and also the Mercosul* cargo code.

3. Exported cargoes

Carriers will be obliged to present a non-negotiable copy of the B/L to Customs within 72 hours of the date of the ship's departure. Failure to comply with this regulation will lead to a fine of US\$ 2,500. Long discussions lasting more than 72 hours are very common between carriers, charterers and shippers concerning the Bs/L, and will expose the carriers to fines in future. This regulation is already in force for Recife and Suape ports.

The above new regulations are likely to lead to future claims and it is therefore important that Members are fully aware of their new obligations in Brazil.

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* Mercosur or Mercosul (Spanish: Mercado Común del Sur, Portuguese: Mercado Comum do Sul, English: Southern Common Market) is a customs union between Brazil, Argentina, Uruguay, Paraguay and Venezuela, founded in 1991 by the Treaty of Asunción, which was later amended and updated by the 1994 Treaty of Ouro Preto. Its purpose is to promote free trade and the fluid movement of goods, peoples, and currency.