

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

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Committee on Anti-Dumping Practices

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Countervailing Measures

INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

LEGISLATION OF BRAZIL

Reproduced beneath is the text of Resolution Nr. 00-1582, adopted by the Brazilian Customs Policy Commission on 3 March 1989. This Resolution amends certain provisions of Resolution Nr. 00-1227.¹

¹See document ADP/1/Add.26/Suppl.1
SCM/1/Add.26/Suppl.1

CUSTOMS POLICY COMMISSION

RESOLUTION Nr. 00-1582

THE CUSTOMS POLICY COMMISSION (CPA), pursuant to its legal attribution,

RESOLVES:

Article 1 - Article 3; paragraph 1 of Article 12; Articles 27, 32, 36 and 50 from Resolution Nr. 00-1227 from May 14th, 1987, of this Commission, shall come into force as follows:

"Article 3 - As a provisional measure, the CPA may require a security be made equivalent to the value provisionally estimated of the additional duty, in the form of a cash deposit, or bond.

Paragraph 1 - The conversion of said security into federal revenue and/or its total or partial refund shall be determined by an act of the CPA.

Paragraph 2 - The Federal Revenue Bureau shall establish the procedures for collection and refund of the said security".

"Article 12

Paragraph 1 - Such act shall indicate the country (ies) concerned and contain a summary of the reasons justifying the initiation of an investigation as well as fix the period of time for the interested parties be qualified and appoint legal representatives.

Paragraph 2 -"

"Article 27 - After the initiation of an investigation and when a preliminary investigation verifies the existence of dumping or subsidy and sufficient evidence of injury caused by such practices, the CPA may impose provisional anti-dumping or countervailing duties, in case it finds it expedient to prevent the injury during the investigation. In such a case, the product under investigation may be released for consumption in Brazilian territory only upon the provision of security for the amount of the provisional duty, in accordance with the provisions of Article 3, of this Resolution".

"Article 32 - Whenever a final decision has been reached that there is no dumping or subsidy or that even with their existence no injury has occurred as a result of such practices, the security for the amount of the provisional duty estimated in accordance with the provisions of Article 3 of this Resolution shall be reimbursed or released and the proceeding terminated".

"Article 35 - whenever the duty fixed in the final decision is lower than the provisional measure, the security (Article 3) shall be partially collected and the difference shall be reimbursed or released. Such a fact shall be recorded in the CPA act announcing the final decision".

"Article 36 - The total or partial collection of the security for the corresponding amount of provisional duty shall be made solely in those cases where the final decision is based on facts proving that dumping or subsidy and injury has occurred.

Sole paragraph: the word "injury" for this purpose shall be construed as exclusive of material retardation of the establishment of a new domestic industry or threat of material injury to such industry, except when there is evidence that injury could occur had provisional measures not been imposed".

"Article 50 - All documentation related to dumping or subsidy proceedings shall be sent in 4 (four) copies to the CPA by the parties concerned".

Article 2 - This Resolution shall enter into force as of the date of its publication in the Federal Official Gazette.