

NORMATIVE INSTRUCTION N# 25, JUNE 27TH, 2017

The MINISTER OF AGRICULTURE, LIVESTOCK AND SUPPLY, exercising the powers conferred upon him by Art 87, single paragraph, item II, of the Constitution, in view of the provisions of Decree n# 24.114, from April 12th 1934, Decree n# 5.759, from April 17th 2006, Decree n# 5.741, from March 30th 2006, Decree n# 5.153, from July 23th 2006, and the provisions from Process n# 21000.059614/2016-43, decides to:

Art. 1º To approve The Standards for Import and Export of Seeds and Seedlings, the forms of the Annexes I, II e III from this Normative Instruction.

Art. 2º This Normative Instruction shall enter into force 30 days after its publication.

Art. 3º As from the entry into force of this Normative Instruction, is revoked MAPA Normative Instruction N# 50, of December 29th, 2006.

BLAIRO MAGGI

ANNEX I

STANDARDS FOR IMPORT AND EXPORT OF SEEDS AND SEEDLINGS

CHAPTER I

OF THE PRELIMINARY PROVISIONS

Art. 1º The import and export of seeds and seedlings shall comply with those established in these Norms, in compliance with current phytosanitary legislation.

§1º. All plant propagation material, for legal purposes, is considered as seed or seedling.

§2º. All imports and exports of seeds and seedlings, for which there is no specific legislation, shall comply with those established in these Norms.

§3º. These Standards apply to imported vegetable propagating material for the purposes of Value of Cultivation and Use (VCU) and adaptation trials, which shall not be considered research and experimentation.

§4º. These rules do not apply to seeds and seedlings to be imported and exported for the purpose of research and experimentation.

Art. 2º The import and export of any quantity of seeds or seedlings object of these norms, by any point of the country, will be given by consent of the Ministry of Agriculture, Livestock and Supply - MAPA, at the request of the interested party.

§1º. The provisions in the caput includes seeds and seedlings dispatched by post and those transported by passengers in international transit.

§2º. The consent for importation must be obtained prior to the internalization of the material in the country.

Art. 3º The Integrated Foreign Trade System - SISCOMEX and the Integrated Vision of Foreign Trade - VICOMEX, integral parts of the Single Foreign Trade Portal - SISCOMEX Portal, constitute formal instruments for the import and export of seeds and seedlings.

Sole paragraph. All documentation to be submitted to MAPA at the time of import or export must be included in the VICOMEX dossier together with the documents issued by the inspection.

Art 4º. The import and export of seeds and seedlings will be carried out by producers or traders registered in the National Seed and Seedling Registry - RENASEM.

Sole paragraph. Individuals or legal entities may import seeds or seedlings for their own use on their property, or on ownership owned by them, being exempt from RENASEM registration.

Art 5º. Seed exported with non-definitive certification of production, protected under international rules and agreements of which Brazil is a signatory or member, must be accompanied by the respective certificate, being exempted from the Seed Analysis Bulletin.

CHAPTER II

OF IMPORTATION

Art. 6º. All imports of seeds and seedlings, once complied with the legislation, will observe the norms for registration in the SISCOMEX Portal.

Art. 7º. Only seeds or seedlings of species or cultivars registered in the National Register of Cultivars (RNC) may be imported.

§1º. The species or cultivars imported for the purposes of VCU or re-export trials, in the form of the sole paragraph, of art. 34 of Law N# 10.711, from August 5th, 2003.

§2º. The VCU tests contemplate the adaptation tests.

Art. 8º. The authorization for importation of seeds or seedlings of species or cultivars, with or without phytosanitary requirement, destined to carry out VCU tests will be requested by the importer in the SISCOMEX Portal.

§1º. The seeds or seedlings shall be in a quantity compatible with the application, by technical justification.

§2º. For species not yet contemplated by the provisions of art. 15 of Law N# 10.711, 2003, adaptation tests may be carried out.

Art. 9º. The importation of cultivars or lineages not registered in the RNC, for exclusive purposes of seed or seedlings production for re-export, will be conditioned, in addition to the other requirements established in these Norms, to the presentation of a technical project, available in the VICOMEX dossier, which minimum:

I - Name, CNPJ/CPF, full address, included city, Federation Unit (UF) and Postal Code (CEP); telephone number; electronic mail and RENASEM registration number of the producer responsible for multiplication;

II - Place where the material will be stored until planting;

III - Probable dates of planting and harvesting and estimated production;

IV - Authorization of the holder of the intellectual property rights of the cultivar, in case of protected cultivar in Brazil;

V - Descriptors of the cultivar to be produced and, in case of hybrids, of their parents;

VI - Country or countries of production; and

VII - The corresponding import license number (LI).

Sole paragraph. The interruption of the process of producing seeds or seedlings for re-export in any of its stages or the impossibility of exporting the produced material must be informed to MAPA, which will decide, when appropriate, its destination, upon request of the importer.

Art 10. The importer shall electronically fill the LI in the SISCOMEX Portal and shall communicate to the MAPA decentralized unit its insertion in the form determined by the UF technical service for the importation of the imported product.

Sole paragraph. They should be included in LI:

I - RENASEM registration number, when applicable;

II - Identification of the person responsible for the importation (name, CNPJ/CPF, full address, including city, UF and CEP, telephone, electronic address);

III - Activity (producer, trader or user);

IV - Specification of plant propagating material (seed, seedling or other plant structure);

V - Common name and scientific name of the species;

VI - Denomination of the cultivar, as inscribed in the RNC;

VII - Reference number of the cultivar in the RNC, when applicable;

VIII - Category;

IX - Quantity, in kilograms or unit for seed, or unit for seedlings;

X - Country of origin and country of procedure;

XI - Transport route;

XII - Purpose of import (production of seed/seedlings, marketing, re-export, VCU test or use);

XIII - Point of entry;

XIV - Place of destination;

XV - Location where the material will be deposited, when applicable;

XVI - Place of quarantine or the phytosanitary diagnostic laboratory, when applicable;

XVII - In case of genetically modified organisms - GMOs:

a) Biosafety Quality Certificate number - CQB of the company or institution, when applicable;

b) Risk class of the GMO;

c) Name of the event of genetic transformation;

d) Number of the extract from the Technical Opinion of the National Technical Biosafety Commission - CTNBio when it is a commercially released GMO in Brazil.

XVIII - When importing for VCU trials, include in the VICOMEX dossier:

a) Identification of the person responsible for conducting the tests (name, CNPJ/CPF, full address, including city, UF and CEP, telephone number, electronic address);

b) Technical justification containing, at least:

1. Demonstration of compatibility between the quantity imported and the need for the application (number of trials, number of replications, plot size and planting density);

2. Places of installation of the tests, with full address; and

3. Probable dates of installation of the tests.

XIX - Number of the VICOMEX dossier, when applicable.

Art. 11. The technical body of seeds and seedlings, and the body of sanitary plant will issue opinions on the request, within a maximum period of 10 (ten) business days after informing the LI protocol in the SISCOMEX Portal.

Art. 12. When remediable pending issues are found, MAPA will register a requirement in the LI and the importer will have 5 (five) business days to attend, counting from the registration of the requirement in the SISCOMEX Portal.

§1º. After the fulfillment of the requirement, a new term of 5 (five) business days shall be opened for LI analysis.

§2º. Failure to comply with the requirements, within the established period, will imply the rejection of the LI.

Art. 13. Once the analyzes have been completed and legal requirements have been met, the technical body of seeds and seedlings will register the import in the SISCOMEX Portal.

Sole paragraph. The validity of the authorization will be of equal period to the validity of the LI in the Portal SISCOMEX.

Art. 14. In the cases of substitution of LI, when dealing with exchange rate changes, quantity and other items not relevant to inspection, no new consent shall be required.

Art. 15. The customs clearance will be made at the point of entry, upon submission of the following documentation:

I - Commercial invoice;

II - In the case of seeds, original Seed Analysis Bulletin, issued in the country of origin or procedure, containing the identity and quality information, obeying the methodologies and procedures recognized by MAPA;

III - In the case of seedlings, original Seedling Analysis Bulletin (or equivalent document), issued in the country of origin or procedure, containing the identity and quality information, obeying the methodologies and procedures recognized by MAPA;

IV - Phytosanitary Certificate - CF or Original Phytosanitary Certificate of Reexportation - CFR, originals, issued by the National Plant Protection Organization - NPPO of the exporting or re-exporting country, when applicable, attesting that the consignment meets the phytosanitary requirements indicated;

V - Depository term, when applicable, before the result of the phytosanitary analysis, and in the cases of sampling at the destination for purposes of identity and quality analysis; and

VI - Copy of cargo loading or packing list.

§1º. Based on the results expressed in the documents referred to in items II and III of this Article, the interested party must declare that the lots attend in the national standards established by MAPA, except when dealing with import cultivation for the purposes of VCU tests, in the case of Re-export or when there is no established standard for a species.

§2º. The documents referring to in items II and III of this Article, may be used by the importer to identify the lot and for issue, by the Technician Responsible, of the Seed or Seedling Conformity Statement, when applicable.

Art. 16. In case of seed or seedlings for re-export, the LI deferred shall be used as the transport authorization.

Art. 17. In case of conviction, total or partial rejection of the product, the person responsible for the importation shall comply, without any restriction or burden to MAPA, according to the requirements and provisions provided for in the legislation.

Art. 18. After the customs clearance, the importer shall be responsible for the safe custody and maintenance of the product as depository, a criterion of agricultural inspection, until the realization of a release by the plant health technical body of the UF warehouse of products.

Art 19. The imported seed or seedling may be exempted from the sample collection for analyzing of identity and quality parameters foreseen in the species standards, without prejudice to phytosanitary legislation, when:

I - This dispensation is provided for in international agreements and treaties;

II - Is accompanied by a Seed Analysis Bulletin, issued by a laboratory using the methodology of the International Seed Testing Association (ISTA) or of the Association of Official Seed Analysts (AOSA);

III - If they are species for which the methods and procedures of analysis are not officialized by MAPA;

IV - There is no established standard for the species; or

V - Where the import is for VCU or re-export purposes.

§1º. Every seed or seedling sampled must be analyzed in an official laboratory of analysis, obeying the methodologies and procedures provided for in the legislation of seeds and seedlings, aiming at proving that they meet the standards of identity and quality.

§2º. At the MAPA's discretion, samples may be collected for monitoring, control, for reasons of suspicion or resulting from any actions necessary to safeguard Brazilian agriculture.

Art 20. The collection of seed or seed samples for phytosanitary analysis shall be carried out at the point of entry into the country.

Art. 21. The collection of seed or seed samples for the analysis of identity and quality parameters may be carried out at the point of customs clearance or at the place of destination of the product.

Sole paragraph. The collection of seed or seed samples, when carried out at the place of destination of the product, shall comply with the following procedures:

I - The competent authority shall communicate the customs clearance to the decentralized MAPA unit of the destination UF of the material, which will be responsible for the sampling; and

II - The importer shall inform the arrival of the product, in writing, preferably electronically, within 5 (five) business days, to the decentralized MAPA unit of the destination UF of the material.

Art. 22. In the event of an official analysis, the decentralized unit of MAPA, in possession of the results related to identity and quality parameters, shall send a copy of the Official Analysis Bulletin to the decentralized unit that authorized the import, within a maximum period of 5 (five) working days, which:

I - send, within 5 (five) working days, a copy of the bulletin to the importer, with an inspection opinion; and

II - It shall adopt the appropriate fiscal administrative measures.

Sole paragraph. The importer may use the results contained in the Official Analysis Bulletin for identify and issue the documents of the lot.

Art. 23. The technical body of plant health of the MAPA decentralized unit of the destination UF of the product, with the results of the phytosanitary analyzes, the Application for Inspection of Agricultural Products and, where appropriate, the Sample Collection Term and the Depositary Term, shall adopt the following procedures:

I - Will issue and forward the withdrawal of the Depositary's Term to the importer, when the results do not indicate the presence of quarantine pests or pests without registration of occurrence in the country; or

II - Send notification to the importer when the results indicate the presence of quarantine pests or pests without registration of occurrence in the country, for adoption of the appropriate measures.

Art 24. The importer shall be responsible for ensuring the identity and quality of the imported lot.

Sole paragraph. In case of an official sample collection, the importer may commercialize or use the product even before the result of the analysis, provided that it has possession of the Depositary's Term relating to phytosanitary analyzes but will be subject to applicable penalties when the imported material does not meet the standards established by MAPA.

CHAPTER III

OF EXPORT

Art. 25. The export of seed or seedlings shall comply, in addition to Brazilian legislation, with the requirements of agreements and treaties governing international trade and those established by the importing country.

Art. 26. The export of seed or seedling production resulting from importation disciplined in art. 9, in addition to the other requirements set forth in these Norms, shall be conditioned to the presentation of a copy of the deferred LI.

Sole paragraph. When re-exporting seeds or seedlings internalized and submitted to any process that has changed their characteristics, information should be included describing the operations carried out, indicating the changes, including the quantity and destination of the disposal, when applicable.

Art. 27. The Communication for the Exportation of Seeds and Seedlings conforming to the model in Annex II will be inserted in VICOMEX accompanied by the following documentation:

I - Authorization of the holder of the right of protection, specific to the required export, in the case of protected cultivation in Brazil;

II - Documentation required by environmental legislation, when applicable;

III - Opinion of the technical body for the inspection of pesticides for authorization of the use of pesticides in the treatment of seed or seedling of a crop other than those recommended on the label and package leaflet, when applicable; and

IV - Document proving the phytosanitary requirements of the importing country, when applicable.

§1º. The seed and the seedling to be re-exported are exempt from the presentation of the documentation referred to in item I of this article, except when multiplied in Brazil.

§2º. The seeds with Certification in accordance with the rules of the Organization for Economic Co-operation and Development (OECD)[and the Association of Official Seed Certifying Agencies (AOSCA) are exempt from the presentation of the documentation referred to in items I and II of this article, and the exporter, in which case, present the respective Certificate.

§3º. To export seeds as grow to countries that allow this operation without the accompanying of the respective seed certificate, the exporter must present a declaration by the Technician Responsible that the seeds come from fields registered in the MAPA, whose harvest was approved by it after the due surveys provided for in the legislation.

§4º. The number of the VICOMEX dossier will be communicated electronically by the exporter to the technical body of seeds and seedlings, of the decentralized unit of MAPA of the UF in which it is established.

Art. 28. The technical body of seeds and seedlings will issue an opinion on the request, within a maximum period of 5 (five) business days after receiving the information on the insertion of the dossier in VICOMEX.

Art. 29. When remedied cases are found, the exporter will be notified within the deadline for analysis and will have 5 (five) business days to attend, counting from the receipt of the notification.

§1º. After the service of the notification, a new deadline of 5 (five) working days will be opened to analyze the request.

§2º. Failure to comply with the requirements, within the established period, will imply the rejection of the request.

Art. 30. Once the analyzes have been completed and the legal requirements have been met, the technical body of seeds and seedlings will annuity the export.

§1º. The exporter and the MAPA decentralized unit at the exit point of the product will be notified of the export authorization.

§2º. The consent shall be valid for 180 (one hundred and eighty) days, non-extendable, for boarding purposes.

§3º. In the case of seed or seedlings destined for re-export, the consent shall be used as transportation authorization to the point of exit.

Art. 31. At the point of exit, the exporter will request the customs clearance, upon presentation of the Application for Inspection of Agricultural Products after inclusion in VICOMEX of the documentation required by the phytosanitary legislation and the following documents:

I - Copy of commercial invoice or invoice;

II - Attestation of Genetic Origin, Certificate of Seed or Seedling, or Term of Conformity of Seed or Seedling; and

III - copy of cargo loading or packing list.

CHAPTER IV

OF FINAL PROVISIONS

Art. 32. For the commercialization of imported seeds in the national territory, the Imported Seed Conformity Statement may appear on the packaging with the following words: "I attest that this batch of imported seeds meets the current national standards, Technician Responsible RENASEM no. [RENASEM no. of the RT]".

Sole paragraph. In the option for the Term of Conformity of Imported Seeds in the packaging, Annex III, duly completed and signed by the Technician Responsible, should be available to the inspection at the importer.

ANNEX II

COMMUNICATION FOR EXPORTS OF SEEDS

IDENTIFICATION OF THE EXPORTER

| | | | | |
|------------|--|----------|-------------|--------|
| ACTIVITY: | | PRODUCER | | TRADER |
| NAME: | | | | |
| CNPJ/CPF: | | | RENASEM N#. | |
| ADDRESS: | | | | |
| DISTRICT: | | CITY/UF: | | CEP: |
| TELEPHONE: | | | EMAIL: | |

IDENTIFICATION OF THE PRODUCT

| SEED | SEEDLING | | | | OTHER PROPAGATION MATERIAL (SPECIFY) | | | |
|--------------------------|----------|--------------|-----|----------|--------------------------------------|-----------------|---------|----------|
| SPECIE (SCIENTIFIC NAME) | | CULTIVAR | | CATEGORY | QUANTITY | | PACKING | |
| | | DENOMINATION | RNC | | SEED (KG OR UNIT) | SEEDLING (UNIT) | TYPE | QUANTITY |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

IDENTIFICATION OF IMPORTER (IN CASE OF RE-EXPORT)

| | |
|---|----------|
| NAME: | |
| ADDRESS: | COUNTRY: |
| COUNTRY OF ORIGIN OR PROCEDURE: | |
| CITY/UF: | DATE: |
| IDENTIFICATION AND SIGNATURE OF THE EXPORTER: | |

ANNEX III

TERM OF CONFORMITY OF IMPORTED SEEDS

TERM OF CONFORMITY OF IMPORTED SEEDS N#/YEAR: _____

IDENTIFICATION OF SEED IMPORTER: _____ | RE-PACKING _____ | TRADER _____

| | | | |
|-----------|----------|-------------|--------|
| NAME: | | | |
| CNPJ/CPF: | | RENASEM N#: | |
| ADDRESS: | CITY/UF: | CEP: | EMAIL: |

IDENTIFICATION OF THE TECHINICIAN RESPONSIBLE

| | | | |
|----------|-------------|------------|--------|
| NAME: | | | |
| CPF: | RENASEM N#: | TELEPHONE: | EMAIL: |
| ADDRESS: | CITY/UF: | CEP: | |

I attest that the batch(s) of imported seeds meet(s) the current national standards and are suitable for commercialization, after analysis in the laboratory of seed analysis according to the standards recognized by the Ministry of Agriculture, Livestock and Supply - MAPA, presenting the following characteristics:

| SPECIE | CULTIVAR | CATEGORY | CROP | BATCH N# | REPRESENTATIVE OF THE BATCH | | ANALYSIS REPORT | | PURE SEEDS (%) | GERMINATION OR VIABILITY (%) | HARD SEEDS (%) | OTHER FACTORS | | VALIDITY OF THE GERMINATION OR VIABILITY TEST (MONTH/YEAR) |
|--------|----------|----------|------|----------|-----------------------------|---|-----------------|------|----------------|------------------------------|----------------|---------------|--|--|
| | | | | | PACKING N# | WEIGHT (KG) OR NUMBER OF SEED PER PACKING | N# | DATE | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

NOTE: THE COLUMN "OTHER FACTORS" MUST BE COMPLETED WITH THE DETERMINATIONS REQUIRED IN THE SPECIES STANDARDS.

| | |
|--|-------|
| CITY/UF: | DATE: |
| IDENTIFICATION AND SIGNATURE OF THE TECHINICIAN RESPONSIBLE: | |