

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Market Access Brief for Organic Products

Report Categories:

Market Development Reports

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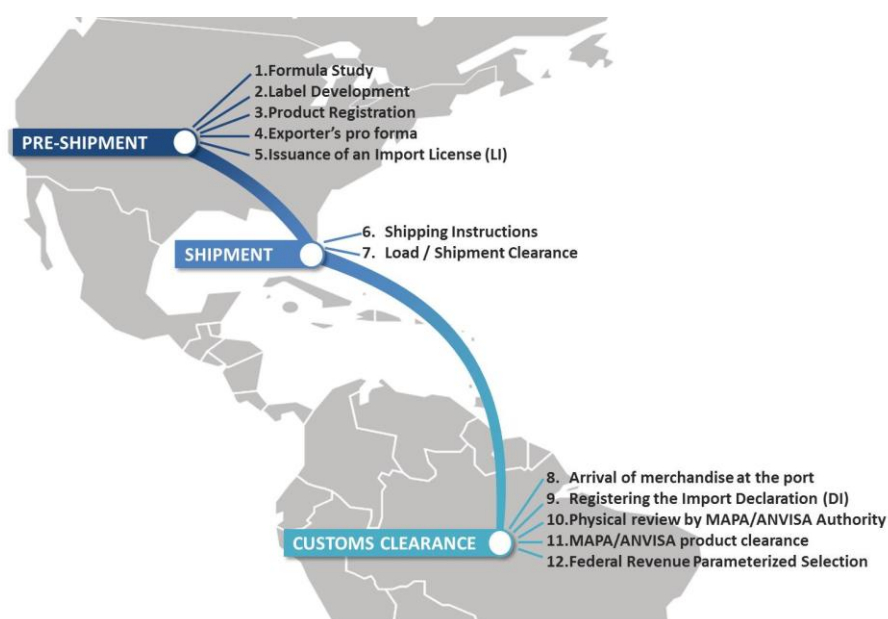
Report Highlights:

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 Organic Products into Brazil

Level of complexity of importing organic products 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 imported organic products must comply with Brazilian legislation. It is recommended to perform a compliance study to determine if the organic product 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.

2) Product Registration

The complex nature of importing organic products to Brazil is the same as provided for the category of the food classification. Therefore, the organic products should comply with all requirements of the specific legislation applicable to the product, plus the requirements for labeling of the product as organic in Brazil. This document focuses exclusively on the organic classification of product, without considering the issues of each food or beverage.

a) General Standard

- Law n° 10,831 of December 23, 2003,
- Decree n° 6,323 of December 27, 2007,
- MAPA/MMA Normative Instruction n° 17 of May 28, 2009,
- MAPA/MS Normative Instruction n° 18 of May 28, 2009,
- MAPA Normative Instruction n° 19 of May 28, 2009,
- SDA/MAPA Normative Instruction n° 25 of June 23, 2009,
- MAPA/MMA Normative Instruction n° 25 of August 19, 2010,
- Decree n° 7,048 of December 23, 2009,
- MAPA/MS Normative Instruction n° 24 of June 1st, 2011,
- MAPA/MPA Normative Instruction n° 28 of June 08, 2011,
- MAPA Normative Instruction n° 37 of August 02, 2011,
- MAPA Normative Instruction n° 38 of August 02, 2011,
- MAPA Normative Instruction n° 46 of October 06, 2011,
- Decree n° 7,794 of August 20, 2012,
- SDA/SDC Joint Normative Instruction n° 02 of July 12, 2013,
- MAPA Normative Instruction n° 18 of June 20, 2014, and
- SDA/SDC Joint Normative Instruction n° 01 of November 6, 2015.

3) A product already certified in the USA needs certification in Brazil?

To commercialize Organic products in Brazil, foreign producers must obtain a certification of an agency authorized by the Ministry of Agriculture, Livestock, and Supply - MAPA and comply with Brazilian specific standards. The products certified by international standards (such as NOP, EU, JAS) are not automatically recognized as organic and must certify by the Brazilian standard.

In that case, the company must contact one of certification companies, or the Organic Conformity Assessment Body (OAC) accredited with the Ministry of Agriculture, Livestock, and Supply - MAPA to request the certification of the organic product.

4) Label Development

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.

a) General Rules

- MAPA Normative Instruction n° 19 of May 28, 2009.

5) Regularization of product and importation procedures

The imported organic products must comply with the requirements of composition, labeling, registration, as well as importation procedures defined for the category of product. For example, an organic fruit juice has to meet all criteria defined in Market Access Brief for nonalcoholic beverages and with the legislation of organic products about composition, certification, and labeling.