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**Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

BRAZIL

Supplement

The following communication, dated 16 September 2013, is being circulated at the request of the Delegation of Brazil.

**MINISTRY OF DEVELOPMENT, INDUSTRY AND FOREIGN TRADE
SECRETARIAT OF FOREIGN TRADE**

ORDINANCE NO. 21, DATED 22 MAY 2013

Regulates the legal representation of interested parties, domestic or foreign-based, individuals or legal entities, in trade defense proceedings.

THE SURROGATE SECRETARY OF FOREIGN TRADE OF THE MINISTRY OF DEVELOPMENT, INDUSTRY AND FOREIGN TRADE, in the exercise of the prerogatives assigned to her by article 15, sub-paragraph VII of Annex I of Decree No. 7.096, dated February 4, 2010, decides:

Article 1. Legal representation of interested parties in trade defense proceedings referred to in Decree No. 1602, dated August 23, 1995, Decree No. 1751, dated December 19, 1995 and Resolution CAMEX No. 63, dated August 17, 2010, shall observe, in addition to the established in the aforementioned norms, the provisions of this Ordinance.

Article 2. Individuals and legal entities, domestic or foreign-based, that meet the requirements established in sub-paragraphs "a", "b" and "c" of Paragraph 3 of Article 21 of Decree No. 1.602, of 1995, and sub- paragraphs "a", "b" and "c" of Paragraph 3 of Article 30 of Decree No. 1.751, of 1995, as well as governments referred to in sub-paragraph "d" of Paragraph 3 of Article 21 of Decree No.1.602, of 1995, are interested parties in anti-dumping and countervailing measures investigations conducted by the Department of Trade Remedies (DECOM) of the Secretariat of Foreign Trade (SECEX) without the need for a request or manifestation of interest.

Sole Paragraph. In order for other parties to be considered interested parties by SECEX, as provided for in sub-paragraphs "e" of Paragraph 3 of Article 21 of Decree No. 1.602, of 1995, and "d" of Paragraph 3 of Article 30 of Decree No. 1.751, of 1995, the corresponding request must be filed within 20 (twenty) days, of the date of publication of the initiation of the investigation.

Article 3. Interested parties to which Article 2 refers may express themselves during the course of investigations by means of duly authorized representatives, under the terms of this Ordinance.

Sole Paragraph. A statement shall only be accepted and brought to the case file when presented in writing by the interested parties.

Article 4. Domestic interested parties shall participate in the course of investigations through a duly authorized representative.

Paragraph 1. Legal entities may be represented:

I – by its presidents, directors, managers or any other employee, according to the powers granted to them by the articles of association (bylaws or company charter and its modifications) and, where applicable, by the minutes of a meeting; or

II – by a representative sanctioned by public or private power of attorney, not being accepted instruments which exclusively grant *ad judicium* powers.

Paragraph 2. When granting power of attorney through a private instrument, certification of signature may be required when there is doubt about the authenticity of the document.

Article 5. Foreign-based interested parties (except for governments) shall participate in the course of investigations through a duly authorized representative.

Paragraph 1. Legal entities may be represented:

I - by its presidents, directors, managers or any other employee, according to the powers granted to them by the articles of association (bylaws or company charter and its modifications) and, where applicable, by the minutes of a meeting, or by any other document, public or private, capable of proving the powers of representation; or

II - by a representative sanctioned by public or private power of attorney that provides for specific powers to act in trade defense proceedings conducted by DECOM.

Paragraph 2. Powers of attorneys and certifications of signature in foreign languages must be notarized and legalized by the corresponding Brazilian diplomatic or consular representation, and protocolled accompanied by the respective translations to Portuguese done by a sworn translator in Brazil, after the legalization of the document.

Paragraph 3. The translation must be done directly from the original language in which the power of attorney was signed to Portuguese.

Paragraph 4. Public documents from Argentina must be legalized by the Argentine Foreign Ministry in Buenos Aires, being the legalization of documents by Brazilian diplomatic or consular representation waived, pursuant to the provisions of the Brazil-Argentina Agreement on Simplification of Legalization of Public Documents, of April 23, 2004.

Paragraph 5. Regarding documents from France, Article 23 of Decree No. 3598 of September 12, 2000, shall be applied.

Article 6. Powers of attorney granted in disagreement with the provisions of this Ordinance or with the conditions established by the articles of association of the legal entity, and, where applicable, by the minutes of a meeting, shall be considered invalid and the acts practiced under these instruments shall be considered nonexistent.

Article 7. Foreign governments shall be represented by the Head of the official representation in Brazil or by a representative designated by him.

Sole Paragraph. The assignment of representatives pursuant to the provisions of the *caput* of this Article shall be protocolled at DECOM in official communication of the corresponding representation, which must expressly contain the trade defense proceeding to which the assignment refers.

Article 8. Intervention in trade defense proceedings of representatives referred to in sub-paragraph II of Paragraph 1 of Article 4 and in sub-paragraph II of Paragraph 1 of Article 5 that are not authorized shall only be accepted in the execution of the following acts:

I – requests for extension of time limits; and

II - submission of responses to the questionnaire.

Paragraph 1. Regularization of representation must be done within 30 (thirty) days, non-extendable, of the date in which the acts referred to in the sub-paragraphs of the *caput* of this Article were executed.

Paragraph 2. The non-regularization of representation within the time limit established in Paragraph 1 above shall render the acts to which the sub-paragraphs of this Article refers nonexistent.

Article 9. Evidentiary documents relating to the representation referred to in this Ordinance must be protocolled at DECOM in printed form, in its original versions or certified copies, pursuant to Annex II of Ordinance SECEX No. 3, of February 7 of 2013.

Article 10. Only duly authorized representatives may express themselves on behalf of the interested parties during hearings related to trade defense proceedings.

Paragraph 1. The names of the representatives to which the *caput* of this Article refers and that will attend the hearings must be communicated to DECOM in writing at least 5 (five) days before the date of the hearing.

Paragraph 2. The timely protocol of the communication referred to in the paragraph above is a mandatory requirement for participation in the aforementioned hearings, being prohibited the admission in the facilities of the hearing of any representatives referred to in the paragraph above that do not prove their identities.

Article 11. This Ordinance shall enter into force on May 22, 2013.

Article 12. Ordinance No. 41, dated October 26, 2012, is hereby revoked.

DANIEL MARTELETO GODINHO
