

SECEX ORDINANCE N.: 13, January 30, 2020.

Discipline the administrative procedures Public Interest in Trade Remedies.

The Secretariat of Foreign Trade, in the use of its tasks conferred on it Article 91, Item VIII, of the Number Decree: 9,745, of April 8, 2019, and based on Article 3 of Decree n. 8,058, of July 26 2013, and Article 73 § 3 of Decree n. 1,751, of 19 December 1995, and:

Considering the Decree n. 9,745, 2019, which approved the regimental structure of the Ministry of Economy and altered, in its Arts. 91 and 96, the powers of the Secretariat for Foreign Trade and the Undersecretariat of Trade Remedies and Public Interest;

Whereas, in accordance with Article 91, incisions VIII and X, point "C" of Decree n. 9,745, 2019, is for the Foreign Trade Secretariat to regulate the procedures for trade remedies and tests of public interest, as well as deciding on the opening of public interest tests;

Considering that all activities related to the technical instruction of evaluations of public interest are now exercised by the Undersecretariat of Trade Remedies and Public Interest;

Whereas, in accordance with Article 96, the Decree n. 9,745, 2019, competes for the trade remedies and public interest to examine the origin and merit of Public interest test petitions, with a view to assessing the impact of trade remedies measures on the national economy;

Whereas, under Article 96, item XVIII, of Decree n. 9,745, 2019, it is attributed to trade remedies and public interest to propose the suspension or modification of the application of anti-dumping or countervailing duties due to public interest;

Whereas the analyses of public interest, conducted by the Undersecretariat of Trade Remedies and Public Interest, will converge to follow the same procedural rite of dumping or subsidies investigations, also conducted by this Ordinance;

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Whereas, in accordance with Article 7, item VI, of the Decree n. 10,044, 2019, the Executive Committee of the Chamber of Foreign Trade (is responsible for fixing provisional or definitive anti-dumping, countervailing duties, and safeguards, resolves:

Article 1st. Disciplining the administrative test of public interest, to be conducted by the Undersecretariat of Trade Remedies and Public Interest.

CHAPTER I

Delimitation of public interest Test

Article 2nd. The public interest test aims to evaluate the existence of elements which exceptionally justify the suspension or modification of definitive anti-dumping measures and provisional or definitive countervailing duties, as well as the non-application of interim anti-dumping measures.

Article 3rd. There is this public interest, for purposes of this SECEX Ordinance, when the overall impact of the imposition of anti-dumping and countervailing duties over economic agents as a whole shows to be causing potentially more injury, compared to the positive effects of the application of trade remedies measure .

Paragraph 1st. During tests conducted by the Undersecretariat of Trade Remedies and e Public Interest, may be observed criteria such as the impact on the downstream and upstream product chain, the availability of substitute products in sources not affected by trade remedies measure as well as the market structure and competition.

Paragraph 2nd. In the case of optional evaluation of public interest, ex officio, at the discretion of the Undersecretariat of Trade Remedies and Public Interest, provided for in Article 6th., will be mainly considered, among other factors, the temporality of Trade Remedies measure in force and characterization of the product under analysis as input for the downstream chain, as well as the existence of previews public interest tests involving the object under analysis in sunset reviews, or any previous measures that may have

already been subject of analysis, that resulted in suspension or modification for public interest reasons.

§3rd. The criteria that reference the paragraphs 1st. and 2nd. are non-exhaustive list and none of them, alone or together, will necessarily be able to provide decisive conclusion..

CHAPTER II

PUBLIC INTEREST TEST IN DUMPING AND SUBSIDIES

Article 4th. The evaluation process of public interest will be conducted concurrently to the original investigation of dumping or subsidies or along sunset reviews of antidumping measure or countervailing duties. .

Single paragraph. In exceptional circumstances, in accordance to Article 7, the process of evaluation of public interest may be initiated and conducted not necessarily concurrent with the original investigation of dumping or subsidies or sunset reviews of final antidumping measure or countervailing period.

Article 5th In the original investigation of dumping or subsidies, evaluation of public interest will be mandatory and started by the Undersecretariat of Trade Remedies and Public Interest through the act of the Foreign Trade Secretariat which has started the original investigation of dumping or subsidies.

§1st Concurrent with the preliminary determination elaborated in original dumping or subsidies investigations, the Undersecretariat for Trade Remedies and Public Interest will present its preliminary findings on the public interest test, which will subsidize the decision on the application or not of provisional anti-dumping measures and on the suspension or modification of provisional countervailing duties.

Paragraph 2nd. The Undersecretariat of Trade Remedies and Public Interest base its preliminary determination on the information provided by interested parties and the members and guests of the Executive Committee of the Foreign Trade Chamber Management, according to Decree n. 10044, 2019, and their respective regulations, until the submission of the Public Interest Questionnaire deadline, which must be submitted

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at the same time allowed the importer or domestic producer to submit their questionnaires as part of the original investigation of dumping or subsidies.

§3rd At the discretion of the Undersecretariat of Trade Remedies and Public Interest, upon request accompanied by justification filed in the records of the corresponding public interest test process on the Information System of the Ministry of Economy Electronic - SEI / ME, the period provided in § 2nd may be extended for up to thirty (30) days.

§4th The public interest questionnaires submitted after the deadlines set in 2nd and §3rd may be considered for final determination purposes, provided submitted within 60 (sixty) days from the date of publication of the preliminary determination.

Paragraph 5th. In cases where there is no need for in locos verification of documents for confirmation of the information submitted in the public interest questionnaires, the term that references the previous paragraph may be extended for up to thirty (30) days, subject to prior request by the interested part and approval by SDCOM.

§ 6th Concurrently to the final determination of for original investigation for dumping or subsidies, the Undersecretariat of Trade Remedies and Public Interest Trade Remedies Secretariat and will present its final conclusions for the public interest test, which will subsidize the final decision of the competent authority.

Paragraph 7th The Undersecretariat of Trade Remedies and Public Interest base its conclusions on the information submitted by the interested parts and the members and guests of the Executive Committee of the Foreign Trade Management Chamber, according to Decree n. 10044, 2019, and its respective regulations, since the act of the Secretariat of Foreign Trade for starting the original dumping or subsidies investigation, until the end the investigation phase, except the cases of §4th and §5th.

§8th The Undersecretariat of Trade Remedies and Public Interest may use information available in the records of the original investigation process of dumping or subsidies and / or alternative sources of information.

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Article 6th During sunset reviews of antidumping or countervailing measures, public interest tests shall be optional according to Public Interest Questionnaires presented, or ex officio, at the discretion of the Undersecretariat of Trade Remedies and Public Interest.

§1st. Concomitantly to the publication of Act of the Secretariat of Foreign Trade containing the deadlines for sunset reviews or preliminary determinations, if applicable to the case, drawn up in the review, the substance of trade remedies and public interest will present, except in the hypotheses of Paragraphs 4th and 5th, their preliminary determinations of the public interest test, which will subsidize the decision on the opening or not of an of public interest analysis.

Paragraph 2nd The Undersecretariat of Trade Remedies and Public Interest shall base their preliminary determinations according to the information submitted by interested parties and members and guests of the Executive Chamber of Foreign Trade Management Committee, in accordance to Decree n. 10,044, 2019 and its respective regulation, until the deadline for submitting the questionnaire of public interest, which must be submitted within the same period granted to the importer or the national producer for the submission of their respective questionnaires for sunset reviews of an anti-dumping or countervailing duties period.

Paragraph 3rd At the discretion of the Undersecretariat of Trade Remedies and trade remedies Public Interest, upon request accompanied by a justification for the case of the corresponding Public interest test procedure, under the SEI / ME, the period provided for in paragraph 2 may be extended by up to 30 (thirty) days.

Paragraph 4th The questionnaires of public interest submitted after the deadlines provided for in §22 and 3 may be considered for the purpose of final determination, if they are submitted within 60 (sixty) days from the date of publication of the preliminary determinations.

§5th In cases in which there is no need of in locus verification of the information presented in the questionnaire of public interest, the deadline referred to in the preceding

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paragraph may be extended for up to 30 days, conditioned to interest part request and deferment by SDCOM.

Paragraph 6th Public interest tests shall not be admitted to sunset reviews of anti-dumping or countervailing measure period, upon request by submission of interested parts of questionnaire of public interest which does not present, in the narrative of their facts and foundations, Public interest elements and / or minimum elements of intelligibility, and the Undersecretariat of Trade Remedies and Public Interest can reject the petition, without analysis of the merit.

Paragraph 7th Public Interest Tests will not be admitted to the opening of sunset reviews of anti-dumping or countervailing measures period, if questionnaires of public interest are submitted exclusively by foreign producers or exporters or any related parts and / or Foreign governments that do not collaborate with the sunset review.

§8 If Public Interest Tests has been opened, the Undersecretariat of Trade Remedies and Public Interest, concomitantly to the determination of sunset reviews of an anti-dumping or countervailing measures, will submit its final conclusions on the public interest test, which will subsidize the final decision of the competent authority.

§9th The Undersecretariat of Trade Remedies and Public Interest shall base their final conclusions on the information submitted by interested parties and members and guests of the Executive Committee on Foreign Trade Management Chamber, in accordance with Decree n.: 10,044, 2019 and its respective regulation, from the act of the Secretariat of Foreign Trade at the beginning of the sunset review of an anti-dumping or countervailing duty measure period until the end of the investigation phase, with the exception of the hypotheses of §4th and 5th.

Paragraph 10th The Undersecretariat of Trade Remedies and Public Interest may use information available in the proceeds of the anti-dumping or countervailing measures during sunset review process and in alternative information sources.

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Article 7th In exception to hypotheses of Arts. 5th and 6th, a public interest test may be uniquely started on the basis of a questionnaire of public interest duly completed, provided that the following requirements are meet: .

I - period of at least 1 (one) year of application or the last extension of the anti-dumping or countervailing measure, and

II - proof, by evidence, of exceptional supervenient occurrence.

Paragraph 1st. Exceptionally, the Public interest test referred to in the caput may be open ex officio, by the decision of the Undersecretariat of Trade Remedies and Public Interest, if requirements are meet, without the need of submission of public interest questionnaires.

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Paragraph 2nd. It may be considered an exceptional supervenient fact, among other factors, the proven permanent interruption of the production of the domestic product industry under analysis or the production in irrisory volume for the Brazilian market supply.

Paragraph 3rd The processes of Public interest test instituted in the exceptional hypothesis of this article shall comply with the procedures and deadlines set forth for sunset reviews of the anti-dumping or countervailing measures in accordance to Article 6th of this regulation.

Paragraph 4th The opening of exceptional Public Interest Test shall not be admitted upon submission on a questionnaire of public interest made exclusively by foreign producers or exporters or any of their related parts and / or foreign governments that have not collaborated with the original investigation of dumping or subsidies or with the sunset reviews of and anti-dumping or corresponding countervailing measure..

Article 8 For purposes of this ordinance, it shall be considered as interested parties in the process of Public interest test those that can be affected by the decision to implement of trade remedies measures, if they preset a proxy with specific powers and submit questionnaires of public interest available in the Electronic page of this ministry.

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Paragraph 1st The petitioners for trade remedies measures may submit in S.E.I./me platform, the protocol form of their petition in this same system, providing information on public interest test, according to the questionnaire of public interest available on the Internet page of this ministry (Amendment introduced by Ordinance No. 103 of July 27, 2021).

Paragraph 2nd. It will be automatically considered as interested parties in the process of public interest test the parties involved in dumping or subsidies evaluations. .

Article 9th Interested parties shall clearly state in their questionnaire of public interest and their other manifestations, which information is confidential, otherwise can be treated as public.

Paragraph 1st Because of confidential information resulting from law or by constituting information on the business activity of physical or legal persons of private law whose disclosure may represent competitive advantage to other economic agents, confidential treatment may be granted to the autos, documents, objects, and information related to:

I - Mercantile books;

II - economic-financial situation of company;

III - fiscal or bank secrecy;

IV - Secrets of Company;

V - productive process and industry secrets, notably linked to industrial processes and formulas relating to the manufacture of products;

VI - Invoices;

VII - last annual report elaborated for shareholders , except when the document has a public character;

VIII - Value and quantity of sales and financial statements;

IX - customers and suppliers;

X - installed capacity;

XI – Production costs and expenses with research and development of new products or services; or

XIV - Other hypotheses, at the discretion of the authority.

Paragraph 2nd. Upon the submission of confidential information in the questionnaire of public interest or in any other manifestation, the interested party that submitted confidential information must, at the same time,

I - Protocol in the confidential records a complete 1 version, with the elements classified as confidential, identified at the top of each page with the term [confidential version] in red; and

II - Protocol in the public arrest a partial version, identified at the top of each page with the term [public version], which must contain public summaries with justifications for the confidentiality of each data identified as confidential and with details that allow the understanding of the information, as well as being edited with marks, erasures or suppressions, in order to omit strictly the elements reputed as confidential.

§3rd The impossibility of having a public version of the corresponding confidential part must exceptionally justified and such a justification must necessarily be public.

Paragraph 4th If the Undersecretariat of Trade Remedies and Public Interest does not considers the request for confidentiality, and the interested part refuses to classify the information as public , the information may be disregarded, except, and by appropriate source, that such information is confidential.

§5th The public version of numerical information must be presented in the form of numbers-index or another indicator that allows understanding of the nature of the information.

§6th The disclosure of confidential information by error in the protocol or in the classification of the document in S.E.I./me is the exclusive responsibility of the interested part that submitted it.

§7th In the case of inconsistency between the content of the document sent and the confidential indications carried out previously in S.E.I./ME by the representative about that document, the indications provided by representatives in SEI/me must remain.

Chapter III INSTRUCTION

Article 10 From the publication act of the Secretariat for Foreign Trade for original dumping or subsidies investigations or sunset reviews,, and throughout the procedural instruction of the evaluation of public interest, The Undersecretariat of Trade Remedies and Public Interest may

I - Send official letters requesting for information to interested parties and any other entities that are judge necessary.

II - to set meetings with representatives from other bodies and government entities, when the subject in analysis include matters of their respective spheres of action, as well as requesting information that helps in the process instruction.

III – to make, at its criterion of convenience and opportunity, n in loco verification, to confirm with e information presented by interested parts;

IV - hold audiences with interested part;

V - Adopt any other measures necessary to obtain information relevant to the evaluation of public interest related to anti-dumping or countervailing duties measures.

Single paragraph. The Undersecretariat of Trade Remedies and Public Interest shall inform about the public interest test to the members and guests of the Executive Committee of Foreign Trade Management so that they manifest their concerns about the public interest test before the closure of the investigative stage of these assessments .

Article 11 The implementation of the in locos verification mentioned in Article 10, item III of this regulation shall be conditional to the consent of the interested parties involved.

Paragraph 1st The intention to proceed with in locos verification will be communicated by official letters, at least 20 (twenty) days prior to of the date suggested for verification.

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§2nd Within two (two) days, counted from the communication date referred in the previous paragraph, the interested party must express by official letter his consent to the verification.

§3rd It is assumed that interested parties will have acknowledge of e the electronically transmitted documents by the Undersecretariat of trade remedies and public interest 3 (three) days after electronic communication transmission or, in the case of printed documents sent by this Undersecretariat, 5 (five) days after the date of the physical shipping of the letter, if they are national interested parties, and 10 (ten) days after the date of the physical shipping of the communication, if they are foreign interested parties.

Paragraph 4th If the interested parts agrees with in locus verification, the Undersecretariat of Trade Remedies and Public Interest will send, at least 10 (ten) days before the date of its realization, communication containing the information about what will be requested and analyzed, as well as the list of documents which must be presented during the visit.

§5th Before initiating the in loco verification, those involved will have the opportunity to provide information on the documents previously presented for the verifying team.

§6 New information presented at in loco verifications will only be accepted to make small changes if they are provided to the verifying team, previously to the beginning of the analysis of the selected items.

§7 The reports of in loco verifications will be submitted in the respective process ss by up to 15 (fifteen) days counted from the first business day after the end of the visit.

Paragraph 8th . If parts don't comply with paragraph 2, refusing to allow in locos verification, as well as not providing proof of the data submitted in the public interest questionnaire, this may lead the Undersecretariat of Trade Remedies and Public Interest trade to discard the information provided by the interested part will g use elements available the process to meet the gaps arising from non-cooperation.

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Article 12 The date of the audience to hearing from interested parties and the Undersecretariat of Trade Remedies and Public Interest, according to Article 10, item IV of this regulation, shall be communicated to interest parties by craft at least 20 (twenty) day in advance and, at the discretion of this Undersecretariat, the number of legal representatives per interested party may be limited.

Paragraph 1 - Attendance to the audience is optional and the absence of any interested part will not be used at their disadvantage..

Paragraph 2. Interested Parties shall send by official letter with at least 10 (ten) days in advance, arguments wishing to attend the audience, and, at least 3 (three) days in advance, the formal legal representatives which will be presented in the audience, being possible for interested parts present additional information orally at the audience.

§3rd The information presented orally during the hearing will only be considered by the Undersecretariat of Trade Remedies and Public Interest, if reproduced in writing and submitted in the electronic process of public interest within 10 (ten) days after its completion.

Paragraph 4th. Members of the t Executive Chamber Committee of Foreign Trade Management may participate to the audience if they want the hear from interested parties and the Undersecretariat of Trade Remedies and Public Interest.

Article 13 The investigation phase of theof public interest test process will follow the same instruction periods of the original investigations of dumping or subsidies or sunset reviews antidumping or countervailing duties periods, according to the arts. 59 to 62, Decree n. 8058, 2013, and Article 43 Decree n. 1751, of 1995.

CHAPTER IV

CONCLUSION OF THE PUBLIC INTEREST TEST

Article 14 Due to public interest, the Undersecretariat of Trade Remedies and Public Interest may recommend:

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I - the suspension, for up to one year, with possibility of extension for the same period, the provisional anti-dumping duties or price undertakings in force, according to Article 3, paragraph 1st, of Decree n. 8058, 2013 ;

II - the non-application of the provisional anti-dumping duty according to Article 3, paragraph II of Decree n. 8058, 2013;

III – The implementation of price undertakings or approval of the implementation of definitive anti-dumping duty on different amount than recommended, in accordance with Article 3rd, paragraph III of Decree n. 8058, 2013;

IV - the suspension of the application of provisional or definitive countervailing duty or non-approval of price undertakings under Article 73, paragraph 3rd, of the Decree n. 1751, 1995;

V - the application of provisional or definitive countervailing duties at a different amount than recommended, in accordance with Article 73, § 3^{rs} of Decree n. 1751, 1995.

§1st The amount of anti-dumping duty or countervailing duty recommended under this Article shall not exceed the margin of dumping or the amount of calculated countervailing duties..

Paragraph 2nd. In case of negative determination of application or extension of anti-dumping or countervailing duties measure, according to section IX of Article 91 of Decree n. 9745, 2019, it is the responsibility of the Secretariat Foreign Trade Secretariat to end of public interest concurrently to end of the original investigation of dumping or subsidies, or to sunset reviews of antidumping measure period or the countervailing, due to loss of the object of public interest analysis.

§3rd In case of positive determination of application or extension of dumping or countervailing duties measures in accordance with sections VI and VIII of Article 7 of the Decree n. 10,044, 2019 and in case of ongoing dumping or countervailing duties measures, the Executive Committee Chamber of the Foreign Trade Management is responsible for the closure of the public interest test and the final determinations about the cases provided for in the caput, accompanied by the reasons that motivated the decision under item VII of Article 7 of Decree n. 10,044, of 2019.

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§4th In hypothesis when antidumping or countervailing duties measures are applied in different amount than recommended, according to sections III and V of the ordinance, the Secretariat of Trade Remedies and Public Interest will define for each particular case the methodology to be used in calculating the amount of duty to be recommended for reasons of public interest, considering, if applicable, among other factors, parameter information and suggestions submitted by interest parts

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Paragraph 5. In the cases provided in sections III, IV and V, if the act of suspension or modification does not have its validity expressly provided, the suspension or modification shall stand for the remaining period of the anti-dumping or countervailing measure.

§ 6 In observance to the provisions of paragraph 2nd of Article 3 of Decree n. 8058, 2013, suspended anti-dumping measures according to the item I will be automatically extinct at the end of the suspension period, if they have not been re-applied by decision of the Executive Committee Chamber of Foreign Trader Management, or if the suspension act does not expressly provided reapplication in the end of the suspension period.

CHAPTER V

Reapplying antidumping and countervailing measures

Article 15 If the suspension act provided for in Article 14, section I, does not establish the automatic reapplication of anti-dumping measure at the end of the suspension,, reapplication requests may be made of anti-dumping definitive measure for the remaining period of its validity.

§7 under the presented hypothesis, if it's not presented requests for the reapplication of the anti-dumping measure, the Undersecretariat of Trade Remedies and and Public Interest will automatically transmit to the Executive Committee Chamber of Foreign Trade Management, following the expiration of the minimum period referred to in paragraph 3, recommendation to extend the suspension for one (1) year, or in cases where the extension has already occurred, extinguishing recommendation of the anti-dumping measure.

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§2nd Possible request for reapplication of t antidumping measure must be presented in the Public Interest Questionnaire, that must be completed with subsequent events that may alter the conclusions of the final determination of previous measure.

§3rd. The Public Interest Questionnaire must be filed in the records of of the public interest test case which gave rise to the suspension, available on SEI / ME system, not less than three (3) months and a maximum of four (4) months before the deadline for the suspension of dumping measure.

§4th If the conditions in paragraph 2nd are met, the Undersecretary for Trade Remedies and Public Interest Interest will report the request of reapplication of anti-dumping measure through act of the Foreign Trade Secretariat, which will give the non-extendable period of thirty (30) days, from the date of its publication, so that interested parts submit their claims about reapplying the anti-dumping measure, after which will not be allowed new information to be submitted by interested parts.

§5 The Undersecretariat for Trade Remedies and Public Interest will report its final determination and transmit for consideration of the Executive Committee Chamber of the Foreign Trade Management.

§6 After the analysis of the need for reapplication of antidumping measure, the Undersecretariat for Trade Remedies and Public Interest may recommend:

I - for one more time, the extension of the suspension for one (1) year, in cases which such extension has not yet occurred;

II - reapplying the dumping measure, at equal or different amounts from which has been previously applied for a period of remaining term of the measure; or

III - the extinction of the definitive antidumping measure.

§ 7th The recommendation of the Undersecretariat for Trade Remedies and Public Interest , according to § 1 or § 6, about the extension of the suspension for longer than one (1) year, for extinction or reapplication of the definitive anti-dumping measure, will subsidize the decision of Executive Committee Chamber of Foreign Trade Management, to be published until the expiration of the suspension period.

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Article 16th If the suspension act provided in Article 14, item IV, does not establish automatic reapplication of the definitive countervailing measure at the end of the foreseen suspension period , it may be submitted requests for reapplication of the definitive countervailing measure by the remaining period of their validity.

Paragraph 1st, if request s for reapplication of the countervailing measure are not provided, the Undersecretariat of Trade Remedies and Public Interest trade shall automatically refer to the Executive Committee Chamber of the Foreign Trade Management, after the r the minimum expiration period of 3 (three) months, according to §3th and 4th, recommendation for extending the suspension until the deadline for the remaining countervailing measure period.

Paragraph 2ndPossible request for reapplication shall be submitted in the form of questionnaire of public interest, which must be filled with supervenient facts which may contrast to the conclusions in the final determination of the previous public interest test that recommended the suspension of the final determination of the countervailing measure.

§3rd The questionnaire of public interest must be submitted in the electronic process of the public interest test which gave rise to the suspension, available in the SEI / ME, after a minimum, 1 (one) year of the publication of the suspension act referred in this ordinance, at least 3 (three) and at latest 4 (four) months before the expiration of the suspension of the trade remedies measure.

Paragraph 4th The provisions of the previous paragraph shall not be applied if the period of suspension is is equal or less than 1 (one) year, hypothesis in which the questionnaire of public interest must be submitted to of public interest test process which gave rise to suspension, available in the SEI / Me, within a minimum period of 3 (three) months and maximum of 4 (four) months before the expiration of the suspension of the final countervailing duty measure.

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§5th If the requirements established in §2nd and 3rd, the Undersecretariat of Trade Remedies and Public Interest shall give publicity to the request for reapplication of the countervailing measure by means of an act of the Secretariat of Foreign Trade, which shall give a non-extensive period of 30 (thirty) day, counted from the date of its publication, so that interested parties submit their manifestations about the claim of the reapplication of the countervailing measure, after which new information submitted to the process by interested parties shall not be considered..

Paragraph 6th The Undersecretariat of Trade Remedies and Public Interest shall pronounce its final determinations and shall send it to the assessment of the Executive Committee Chamber of the Foreign Trade Management .

Paragraph 7th. At the end of the analysis if the reapplication of the definitive countervailing duty measure is needed, the Undersecretariat of Trade Remedies and Public Interest may recommend:

I - the maintenance of the suspension of the definitive countervailing measure by the remaining valid period of this suspension or the complete remaining period of the definitive countervailing measure; or

II - the reapplication of the countervailing measure, in equal or different amount that was previously applied, until the deadline for the remaining measure.

Paragraph 2nd There will only be an analysis for the need of a definitive countervailing measurement during the suspension period.

Paragraph 9th The recommendation of the Undersecretariat of Trade Remedies and Public Interest , according to paragraph 1st or paragraph 7th, about the maintenance of the suspension or the reapplication of the definitive countervailing measure, subsidizes the decision of the Executive Committee Chamber of Foreign Trade Management, which must be published until the expiration of the suspension period.

Chapter VI

Extension of Suspensions of Anti-dumping and countervailing duties

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Article 17th If the suspension act mentioned in Article 14, item I, establishes the reapplication of the definitive anti-dumping measure at the end of the suspension period, requirements to extend the suspension of the of the anti-dumping measure s may be submitted to extend the suspension, if it has not yet been extended.

Paragraph 1st Applications for extension of an anti-dumping measure shall follow , y the provisions of Article 15.

§2nd If requests for the suspension of the extension is not submitted, the Undersecretariat for Trade Remedies and Public Interest Trade will automatically transmit to the Executive Committee Chamber of Foreign Trade Management the r reapplication recommendation for the remaining duration period of the definitive anti-dumping measure at the end of period.

Article 18th If the suspension act established in Article 14, section IV, set expiration date previous to the suspension to the total validity period of the definitive countervailing duty, and expressly establishes the reapplication of this measure at the end of the suspension period, it may be presented requests for extension of the suspension of the definitive countervailing duty.

§ 1st Requests for extension of the suspension of the definitive countervailing duty shall obey, as applicable, the provisions of Article 16.

Paragraph 2. If the suspension extension petition is not submitted, the Undersecretariat for Trade Remedies and Public Interest Secretariat will automatically transmit to the Executive Chamber Foreign Trade Management a reapplication recommendation the period of remaining validity of the definitive countervailing duty.

§3 After the analysis of the need for extension of the suspension of the definitive countervailing duty, the Undersecretariat of Trade Remedies and Public Interest may recommend:

I - the extension of the suspension of the definitive countervailing duty for a period of remaining validity of this measure; or

II - the reapplication of the definitive countervailing duty, for an equal or different period from that previously applied, for the remaining validity of this measure period.

Chapter VII

CHANGE IN VALUE OR ENFORCEABILITY ANTIDUMPING AND COUNTERVAILING MEASURES OBJECT OF PUBLIC INTEREST ANALYSIS

Article 19th If the act of applying definitive antidumping or provisional or definitive countervailing measures or approved price undertaking in different amount than recommended, as accorded in Article 14, sections III and V, set term to expire the antidumping or countervailing measure before the end of this total period, the Secretariat for Trade Remedies and Public Interest Trade Remedies will submit to the Executive Committee Chamber of Foreign Trade recommendation of extension of application of antidumping or countervailing measure or the previous accorded price undertaking, for the remaining period of the antidumping or countervailing measure.

§1st The caput does not apply when it is suggested change for the amount or claims suspension of dumping or countervailing measure.

§2nd Requests for changes of the amount or suspension of dumping or countervailing measure mentioned in the previous paragraph shall comply, where applicable, the provisions of Chapter V, unless otherwise provided in this article.

§3rd After the analysis, the Undersecretariat of Trade Remedies and Public Interest Interest may recommend:

I - the maintenance of the antidumping or countervailing duty for the remain measure period;

II - the application of dumping or countervailing duty at a different amount than previously applied, for reasons of public interest, for the remaining period of the measure;

III - suspension, for up to one year, renewable one more single time for the same period of the definitive antidumping or price undertakings in force, according t to Article 3, paragraph 1st, of Decree n. 8058, 2013 ;

IV - suspension of application of definitive countervailing duty or non-approval of price undertakings under Article 73, § 3rd of Decree n. 1751, 1995.

Chapter VII

General Provisions

Article 21st. Every Documentation regarding the process public interest test must be submitted directly to the SEI/ME system.

Article 22nd. The Undersecretariat of Trade Remedies and Public Interest and public interest shall not accept information and / or documents brought not in accordance with this decree.

Article 23rd. The deadlines provided for in this ordinance shall be counted in calendar days excluding the day of the beginning and including the day of deadline.

Article 24th. Time counting begins on the first business day subsequent to the publication of the act or the confirmation of receipt of correspondence..

Article 25th. The deadlines set in months and are counted in calendar dates.

Single paragraph. If in the month of the deadline there is no day equivalent to the beginning of the deadline, the last day of the month shall be considered as final date.

Article 26th. The Undersecretariat of Trade Remedies and Public Interest may require sending, in electronic means, information of the case, to facilitate the analysis and evaluation and processing of information.

Article 27th. For f public interest tests, documents may be submitted when elaborated in the official languages of the World Trade Organization, and, in the case of documents written in other foreign languages for which there is no public translator in Brazil,

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translations shall be accepted for the Portuguese language made by the official representation of the exporting origin in Brazil, accompanied by official communication attesting the authorship of the translation.

Article 28th. The procedures provided in this ordinance shall be applied, to public interest tests in the date of their publication.

Article 29th The provisions of this ordinance do not exclude the powers of the Executive Committee Chamber of Foreign Trade Management to decide on public interest tests, to regulate the respective decision-making processes within the Foreign Trade Chamber and to establish guidelines s for analysis procedures of public interest, in accordance to Article 3, §5th, of the Decree n. 8.058, of 2013 C / C. Article 7, item X, of Decree n. 10,044, 2019.

Article 30th The provisions of this ordinance shall apply to the administrative procedures for the investigation of safeguards referred to in the safeguards agreement approved by the Legislative Decree n. 30, 1994, promulgated by the Decree n. 1,355, 1994, regulated by Decrees n.: 1,488, 1995 and n.: 1,936, 1996, as well as the investigations of preferred safeguards provided for trade agreements of which Brazil is part.

Article 31st This ordinance shall be into force on the date of its publication, revoking the SECEX Ordinance N.: 8, of April 15, 2019.