

July 13, 2016

NORMATIVE RULING OF THE BRAZILIAN INTERNAL REVENUE SERVICE (RFB)
No. 1,639 - 2016

Brazilian Internal Revenue Service

Standards - Information Management System

Original Vision

**NORMATIVE RULING OF THE BRAZILIAN INTERNAL REVENUE SERVICE (RFB)
No. 1,639, OF MAY 10, 2016**

(Published in the Official Gazette of May 12, 2016, section 1, p. 59)

Provides for the application of the special customs regime for temporary admission of goods under the terms of the ATA Carnet provided for in the Istanbul Convention, promulgated by Decree No. 7,545 of August 2, 2011.

The SECRETARY OF THE BRAZILIAN INTERNAL REVENUE SERVICE, pursuant to the authority vested in him under item III of Article 280 of the Internal Rules of the Brazilian Internal Revenue Service, as approved by Ordinance No. 203 of May 14, 2012 issued by the Brazilian Ministry of Finance, and in view of the provisions of article 355, of the sole paragraph of article 363, of the sole paragraph of article 364, of paragraph 2 of article 368, and of article 372 of Decree No. 6,759 of February 5, 2009 (Customs Regulation), and of article 15 of the Convention on Temporary Admission (Istanbul Convention), promulgated by Decree No. 7,545 of August 2, 2011, hereby decides as follows:

Article 1 - The special customs regime for temporary admission of goods under the terms of the ATA Carnet provided for in Decree No. 7,545 of August 2, 2011, which promulgates the Istanbul Convention, shall be applied in accordance with the provisions of this Normative Ruling.

Sole paragraph - The provisions of this Normative Ruling shall apply only to goods accompanied by a bill of lading.

CHAPTER I DEFINITIONS

Article 2 - For the purposes of this Normative Ruling, the following definitions shall apply:

I - temporary admission papers: international Customs document accepted as a Customs declaration which makes it possible to identify goods and incorporates an internationally valid guarantee to cover import duties and taxes;

II - ATA Carnet: papers for temporary admission of goods;

III - guaranteeing chain: a guaranteeing scheme administered by an international organization to which guaranteeing associations are affiliate;

IV - international organization: an organization to which national associations authorized to guarantee and issue temporary admission papers are affiliated;

V - guaranteeing association: an association approved by the customs authorities of a contracting party to guarantee the sums of import duties and taxes and other sums collectable in the territory of that contracting party, affiliated to a guaranteeing chain;

VI - issuing association: an association approved by the customs authorities to issue temporary admission papers and affiliated directly or indirectly to a guaranteeing chain.

CHAPTER II

GOODS TO WHICH THE TEMPORARY ADMISSION REGIME APPLIES

Article 3 - The temporary admission regime provided for in this Normative Ruling, according to the terms set out in Annexes B.1, B.2, B.5 and B.6 of the Istanbul Convention, shall apply to the following goods supported by the ATA Carnet and respective guarantee:

- I - goods intended for display or use at an exhibition, fair, congress or similar event;
- II - goods related to professional material;
- III - goods imported for educational, scientific or cultural purposes; and
- IV - goods imported for sports purposes.

Section I

I - Goods Intended for Display or Use at an Exhibition, Fair, Congress or Similar Event

Article 4 - For the purposes of this Normative Ruling, the term events refers to:

- I - trade, industrial, agricultural or crafts exhibitions, fairs, or similar shows or displays;
- II - exhibitions or meetings primarily organized for a charitable purpose;
- III - exhibitions or meetings primarily organized to promote any branch of learning, art, craft, sport or scientific, educational or cultural activity, to promote religious knowledge or worship, to promote tourism or to promote friendship between peoples;
- IV - meetings of representatives of any international organization or international group of organizations; and
- V - ceremonies or meetings of an official or commemorative character.

Sole paragraph - The events referred to in the caput do not comprise private exhibitions organized in shops or business premises for the purpose of selling foreign goods.

Article 5 - The temporary concession granted for the purpose of holding the events referred to in article 4 is restricted to the following:

I - goods intended for display or demonstration, including the materials referred to in the Annexes to the Agreement on the importation of educational, scientific and cultural materials adopted by UNESCO in New York on November 22, 1950, and to the Protocol thereto, adopted in Nairobi on November 26, 1976;

II - goods intended for use in connection with the display of foreign products at an event, including:

a) goods necessary for the purpose of demonstrating foreign machinery or apparatus to be displayed;

b) construction and decoration material for the temporary stands of foreign exhibitors; and

c) advertising and demonstration material which is demonstrably publicity material for the foreign goods displayed, as well as apparatus for use therewith;

III - equipment, as well as films of an educational, scientific or cultural character, intended for use at international meetings, conferences or congresses; and

IV - small samples which are representative of foreign goods to be displayed at an event.

Paragraph 1 - The temporary admission regime shall only be applied to the goods referred to in this article if they are consistent in number or quantity with the purpose of their import.

Paragraph 2 - The temporary admission regime shall not apply to alcoholic beverages, tobacco and fuels for the purposes referred to in:

I - item II of the caput; and

II - item IV of the caput when the samples are admitted for the purpose of being distributed for consumption.

Article 6 - Goods imported under the temporary admission regime may not, during its period of validity, be supplied free of charge, rented or used in exchange for payment, unless otherwise provided for in this Ruling.

Section II

Goods Related to Professional Equipment

Article 7 - For the purposes of this Normative Ruling, the term professional equipment refers to:

- I - equipment for the press or for radio or television broadcasting;
- II - cinematographic equipment;
- III - other professional equipment; and
- IV - ancillary apparatus for the equipment mentioned in this article and accessories thereof.

Paragraph 1 - The professional equipment referred to in this article comprises the following ones, among others:

- I - personal computers, motion picture and electronic cameras, tools, equipment for transmission, recording, editing, playback, communication, metering, lighting, technical control, erection, testing, operation, checking, maintenance or repair of machinery, facilities and transportation equipment;
- II - equipment necessary for experts to carry out their activities; and
- III - Vehicles designed or specially adapted for professional purposes.

Paragraph 2 - The hypothesis referred to in item III of the caput does not contemplate equipment used for:

- I - industrial manufacture or packaging of goods; or
- II - exploitation of natural resources, construction, repair or maintenance of buildings or for earth-moving and similar activities, unless they are manual tools.

Article 8 - The temporary admission granted to the professional equipment referred to in article 7 shall be limited to goods meeting the following conditions:

I - they must be imported by the holder of the ATA Carnet or his representative;
and

II - they must be exclusively used by the persons referred to in item I or under their own responsibility.

Paragraph 1 - The provisions of item II of the caput shall not apply to equipment imported for the production of a film, television program or audiovisual works under a co-production contract to which a person established in the Country is a party and which is approved by the competent authorities of the Country under an inter-governmental co-production agreement.

Paragraph 2 - For the purposes of the temporary admission regime, cinematographic equipment for the press or for radio or television broadcasting shall not be the subject of a hire contract or similar arrangement to which a person established in the Country is a party, except in the case of joint radio or television broadcasting programs.

Paragraph 3 - The temporary admission regime shall also apply to spare parts imported for repairing admitted professional equipment.

Paragraph 4 - The temporary admission regime shall not apply to the vehicles mentioned in item III of paragraph 1 of article 7 if they are used to transport people or goods for a fee, even if on an occasional basis.

Section III

Goods Imported for Educational, Scientific or Cultural Purposes

Article 9 - For the purposes of this Normative Ruling, the term goods imported for educational, scientific or cultural purposes refers to:

I - scientific equipment;

II - pedagogic material;

III - welfare material for seafarers; or

IV - any other goods imported in connection with educational, scientific or cultural activities.

Paragraph 1 - The scientific equipment and pedagogic materials referred to in items I and II of the caput comprise all models, instruments, apparatus, machines and accessories thereof used for scientific research purposes, education or vocational training.

Paragraph 2 - The welfare material for seafarers referred to in item III comprises material for the pursuit of cultural, educational, recreational, religious or sporting activities by persons charged with duties in connection with the working or service at sea of a foreign ship engaged in international maritime traffic.

Article 10 - The conditions for the temporary admission regime to apply to the goods referred to in this Section are the following ones:

I - goods imported for educational, scientific or cultural purposes must be imported in quantities that are consistent with their intended purpose by establishments set up in the Country; and

II - the welfare material for seafarers must:

- a) be used on board foreign ships engaged in international maritime traffic;
- b) be unloaded from the ship to be temporarily used ashore by the crew; or
- c) be imported for use:

1. in hotels, clubs or recreation centers for seafarers, managed either by official organizations or by religious or other non-profit organizations; or

2. in places of worship where services for seafarers are regularly held.

Sole paragraph - The temporary admission regime also applies to spare parts and tools specially designed for the maintenance, checking, gauging or repair of the equipment referred to in this article.

Article 11 - Goods and equipment imported under the temporary admission regime may not be used for commercial purposes.

Section IV

Goods Imported for Sports Purposes

Article 12 - For the purposes of the provisions of this Normative Ruling, goods imported for sports purposes refer to all sports goods and other materials intended for use by athletes in sports contests or demonstrations or for training in the Country.

Sole paragraph - The goods mentioned in the caput include, among others, canoes, sail and row boats, automobiles, motorcycles, sports shooting weapons and hang-gliders.

Article 13 - The temporary concession granted for the goods referred to in article 12 is restricted to those imported in a quantity consistent with their intended use.

CHAPTER III

GOODS TO WHICH THE TEMPORARY ADMISSION REGIME DOES NOT APPLY

Article 14 - The temporary admission regime referred to in this Normative Ruling shall not be applied to the following goods:

I - containers, pallets, packings and other goods imported in connection with a commercial operation, as provided for in Annex B.3 to the Istanbul Convention;

II - the goods imported in connection with a commercial operation referred to in Annex B.4 to the Istanbul Convention;

III - the tourist publicity material referred to in Annex B.7 to the Istanbul Convention;

IV - the goods imported as frontier traffic referred to in Annex B.8 to the Istanbul Convention;

V - the goods imported for humanitarian purposes referred to in Annex B.9 to the Istanbul Convention;

- VI - the means of transport referred to in Annex C to the Istanbul Convention;
- VII - the animals referred to in Annex D of the Istanbul Convention;
- VIII - the goods imported with partial relief from import duties and taxes referred to in Annex E to the Istanbul Convention;
- IX - goods that entered the Country for the purpose of:
 - a) undergoing a processing or repair operation;
 - b) being used for economic ends; or
 - c) serving for active improvement; and
- X - other goods not contemplated in the provisions of Chapter II.

Paragraph 1 - The goods referred to in this Chapter may enter the Country temporarily or permanently at the discretion of the beneficiary of the temporary admission regime, based on the provisions laid down in the general import rules.

Paragraph 2 - The term means of transport referred to in item VI of the caput, whether for commercial or private use, means a ship, hovercraft, aircraft, motor road vehicle and rolling railway equipment, as well as their respective spare parts, accessories and normal equipment carried on board of the means of transport, including special equipment designed for loading, unloading, handling and protecting the merchandise or goods.

Paragraph 3 - For the purposes of paragraph 2, the terms indicated below shall have the following meanings:

I - commercial use: transportation of persons for remuneration or the industrial or commercial transportation of goods, whether or not for remuneration; and

II - private use: use of the means of transport exclusively for personal use by the person concerned excluding any commercial use;

Paragraph 4 - The prohibition provided for in item VII of the caput shall apply to the admission to the country under the ATA Carnet of any live animals, regardless of the purpose for which they will be used.

CHAPTER IV

BENEFICIARY, CONDITIONS AND PERIOD OF VALIDITY OF THE TEMPORARY ADMISSION REGIME

Article 15 - A beneficiary of the temporary admission regime is a natural or legal person whose name appears in the ATA Carnet as its holder.

Article 16 - For the temporary admission regime to be granted and applied, the following conditions must be met:

I - a valid ATA Carnet must be presented;

II - the granting instrument must be presented, where applicable;

III - an ID document or passport must be presented:

a) of the holder or of his representative indicated in the ATA Carnet; or

b) of the person authorized by the holder or his representative through the granting instrument to do so; and

IV - the goods must be used in their intended way and for their intended purposes, taking into account the expiry date of the scheme.

Paragraph 1 - To be considered a valid paper, as provided for in item I of the caput, the ATA Carnet must:

I - bear the name, stamp and signature of the issuing association;

II - bear the name of the international guaranteeing chain;

III - bear the name of the countries or customs territories in which the paper is valid;

IV - bear the name of the guaranteeing associations of the said countries or customs territories;

V - bear the name of the holder and of his representative, as appropriate;

VI - contain a description of the goods with information such as their brand, model and serial number, where appropriate, to allow for their proper identification;

VII - be within their period of validity;

VIII - provide a correct valuation of the goods; and

IX - have been issued by a contracting country of the Istanbul Convention.

Paragraph 2 - If the ATA Carnet was issued in a foreign language other than English, French and Spanish, it must be translated into Portuguese to be presented.

Paragraph 3 - The ATA Carnet shall be valid for one (1) year as defined by the issuing organization.

Paragraph 4 - In the case of goods whose import is subject to prior approval from other public administration agencies, the granting of temporary admission in the Country shall be conditional on meeting this requirement.

Paragraph 5 - The ATA Carnet shall not replace or exempt its holders from the requirement of submitting the licenses, permits, authorizations and international certificates required by Brazil for imports of merchandise or goods, and their imports, even if on temporary admission, shall be subject to the restrictions, prohibitions and controls applied by other public administration agencies.

Article 17 - The validity of the temporary admission regime shall be the period between the date on which a good is presented at an entry-point office of the Brazilian Internal Revenue Service (RFB) and the end of the validity period indicated in the ATA Carnet.

Paragraph 1 - The period of validity referred to in the caput of this article may be extended if the beneficiary presents a replacement ATA Carnet in accordance with the hypothesis referred to in item II of the caput of article 27.

Paragraph 2 - The period of validity of the temporary admission regime shall be extended for a period equal to the one indicated as the validity period of the replacement ATA Carnet.

Paragraph 3 - Granting of the extension referred to in paragraph 1 of this article shall be subject to acceptance of the replacement ATA Carnet by the customs authority as provided for in paragraph 1 of article 27.

Article 18 - During the period of validity of the temporary admission regime, replacement may be authorized for the beneficiary by the unit of the RFB in charge of granting the admission or by one exercising customs jurisdiction over the location in which the good is being kept, upon the submission of an application signed by the original beneficiary and by the new beneficiary, provided that the latter:

I - meets the conditions set out in this Normative Ruling and in the Istanbul Convention; and

II - accepts the obligations of the initial beneficiary of the temporary admission.

Sole paragraph - Once the replacement is approved, the new beneficiary becomes fully responsible for complying with the conditions established for the temporary admission scheme.

CHAPTER V TEMPORARY ADMISSION PAPERS AND GUARANTEE

Article 19 - The ATA Carnet is a temporary admission paper offering an internationally valid guarantee and its use eliminates the need for any additional customs document, guarantee and Term of Responsibility.

Article 20 - The guaranteeing association shall be jointly and severally liable with the beneficiary of the temporary admission regime for providing a guarantee corresponding to the amount of import duties and taxes, i.e. to the amount of taxes on imports and of any other sums collectable in the event of failure to comply with the provisions established for the regime.

Article 21 - The guaranteeing association shall not be liable for paying any amount exceeding the amount of import duties and taxes, i.e. the amount of taxes on imports and any other collectable sums, by more than ten percent (10%).

CHAPTER VI

GRANTING AND APPLICATION OF THE TEMPORARY ADMISSION REGIME

Article 22 - Customs clearance for temporary admission of goods as provided for in this Normative Ruling shall be processed by the Tax Auditor of the RFB based solely on the paper that the ATA Carnet constitutes.

Paragraph 1 - The ATA Carnet shall be presented by the holder or his representative accompanied by the good, so that the Tax Auditor of the RFB in charge of the custom clearance procedure may check whether the temporary admission regime applies to it, according to article 16.

Paragraph 2 - A physical inspection of the good shall be carried out at the discretion of the Tax Auditor of the RFB in charge of the customs clearance procedure.

Paragraph 3 - Once compliance with the conditions for granting the temporary admission regime is confirmed, the Tax Auditor of the RFB shall clear the goods by putting his signature and stamp on the appropriate field in the ATA Carnet.

Paragraph 4 - The beneficiary may bring to the Country all the items contained in the General List of Goods of the ATA Carnet or just some of them.

Paragraph 5 - Granting of the temporary admission regime shall cover all goods brought into the Country by the beneficiary under the ATA Carnet.

Article 23 - After the temporary admission regime is granted, any changes to the ATA Carnet shall only be made with the consent of the entry-point customs office.

Sole paragraph - The General List of Goods contained on the cover of the ATA Carnet shall not be changed after that paper is issued.

Article 24 - In cases where the analysis with a view to granting the temporary admission regime is carried out at an office of the RFB other than the entry-point

customs office in the Country, the beneficiary must apply for customs transit through the transit module of the Integrated Foreign Trade System (Siscomex Trânsito), according to the procedure provided in a specific rule.

Article 25 - Products obtained from the merchandise referred to in subitem "a" of item II of article 5 shall be considered automatically admitted under the temporary admission regime referred to in this Normative Ruling.

Article 26 - Goods admitted under the temporary admission regime, or its components and parts, may undergo maintenance or repair in the Country without changes in their classification and without suspension or interruption of the period of validity of the regime.

Section I

Acceptance of the Replacement Paper

Article 27 - The issuing organization may issue a replacement ATA Carnet if:

- I - the original carnet was destroyed, lost or stolen; or
- II - there is a need to extend the duration of the regime because of the inability of the beneficiary to re-export the goods in question within the set deadline.

Paragraph 1 - In any of the cases referred to in the caput, the beneficiary of the temporary admission regime must present the replacement ATA Carnet to the unit of the RFB in charge of granting the regime or to the one with customs jurisdiction over the location in which the goods are being kept, pursuant to article 22, before the expiration of the period of validity of the replacement papers.

Paragraph 2 - In the case of destruction, loss or theft, the end date of validity of the replacement ATA Carnet should be the same as that of the expiration date of the replaced papers.

Paragraph 3 - If the period of validity of the regime is extended, the guarantee accompanying the replacement ATA Carnet should cover the taxes due from the clearance date of the replacement papers.

Paragraph 4 - In the extension referred to in item II of the caput is refused, the beneficiary must, within thirty (30) days from being informed of the final decision, unless the period allowed for the goods to remain in the Country is longer, apply for one of the procedures for termination of the application of the temporary admission regime provided for in items I to V of the caput of article 29.

CHAPTER VII DENIAL OF THE TEMPORARY ADMISSION REGIME

Article 28 - Denial of the temporary admission regime with submission of the ATA Carnet is possible in the following cases:

I - when an invalid ATA Carnet is presented, whether it is an original copy or a replacement ATA Carnet;

II - when a good is presented for a purpose for which its admission through the ATA Carnet is not allowed in the Country;

III - when approval for admission of the good is not granted, in cases when it is necessary; or

IV - when a good is presented that is inconsistent with the description set forth in the ATA Carnet.

Paragraph 1 - In cases where temporary admission is denied, the holder of the ATA Carnet or his representative may, within ten (10) days from being informed of the decision:

I - file a voluntary appeal with the Tax Auditor of the RFB who issued the decision, and if the latter does not reconsider his decision within five (5) days, he will refer the appeal to the head of the RFB office;

II - request that the good is admitted into the Country, temporarily or permanently, based on the provisions set out in a general rule on imports; or

III - remove the good from the Country.

Paragraph 2 - If the request referred to in items I and II of paragraph 1 is denied, the beneficiary shall, within thirty (30) days of being informed of such denial, remove the good from the Country.

Paragraph 3 - Denial of the temporary admission regime may comprise all or part of the goods brought into the Country by the beneficiary.

CHAPTER VIII

TERMINATION OF THE TEMPORARY ADMISSION REGIME

Article 29 - The temporary admission regime shall be terminated through one of the following measures in relation to the goods:

I - re-exportation;

II - delivery of the goods to the RFB, free of charge, provided that the head of the office agrees to receive them;

III - destruction of the goods under customs control, with the expenses borne by the beneficiary;

IV - transfer of the goods to another special customs regime, according to the provisions of the specific law; or

V - clearance of the goods for consumption.

Paragraph 1 - In the event of the termination referred to in sections II to V of the caput, the procedure laid down by specific rules shall be followed.

Paragraph 2 - The temporary admission regime may be terminated gradually.

Article 30 - Customs clearance for re-export of goods admitted into the Country under the temporary admission regime referred to in this Normative Ruling shall be

granted based on the ATA Carnet used for admitting the same goods into the Country.

Paragraph 1 - For the purposes of the provisions of the caput, the ATA Carnet must be presented by the holder or his representative accompanied by the goods.

Paragraph 2 - A physical inspection of the goods shall be carried out at the discretion of the Tax Auditor of Brazil's Internal Revenue Service in charge of the customs clearance procedure.

Paragraph 3 - Once compliance with the conditions for terminating the temporary admission regime is confirmed, the Tax Auditor of Brazil's Internal Revenue Service shall clear the goods by putting his signature and stamp on the appropriate field in the ATA Carnet.

Article 31 - In cases where a good is custom-cleared for re-export by an RFB unit other than the exit-point RFB unit of the Country, outgoing traffic for re-export shall be granted and controlled by the transit voucher of the ATA Carnet.

Article 32 - Termination of the temporary admission regime under the provisions of article 22 shall occur without the filing of an import declaration and it shall be processed free of federal import duties and taxes, subject to the provisions of article 5 of Annex B.1 to the Istanbul Convention, in the following cases:

I - small samples which are representative of foreign goods displayed at an event, including such samples of foods and beverages, either imported in the form of such samples or produced from imported bulk materials at that event, provided that:

- a) they are supplied free of charge from abroad and are used solely for distribution free of charge to the visiting public at the event, for individual use or consumption by the persons to whom they are distributed;
- b) these products are identifiable as advertising samples and are individually of little value;

c) they are unsuitable for commercial purposes and are, where appropriate, packed in quantities appreciably smaller than the smallest retail package;

d) samples of foods and beverages which are not distributed in packs as provided for item "c" are consumed at the event; and

e) the aggregate value and quantity of the goods are compatible with the nature of the event and the number of visitors;

II - goods imported solely for demonstration or for the purpose of demonstrating the operation of a foreign machine or apparatus displayed at an event and consumed or destroyed on the course of such demonstration, provided that the aggregate value and quantity of such goods are reasonable having regard to the nature of the event and the number of visitors;

III - products of low value used up in constructing, furnishing, or decorating the temporary stands of foreign exhibitors at an event and destroyed by the mere fact of their use;

IV - printed matter, catalogues, trade notices, price lists, advertising posters, calendars, and unframed photographs, which are demonstrably publicity material for the foreign goods displayed at an event, provided that:

a) they are supplied free of charge from abroad and are used solely for distribution free of charge to the visiting public at the event; and

b) the aggregate value and quantity of the goods are compatible with the nature of the event and the number of visitors; or

V - files, records, forms and other documents for use as such at, or in connection with, international meetings, conferences or congresses.

Article 33 - Termination of the temporary admission regime under the provisions of article 25 may occur under any of the modalities provided for in this Normative Ruling.

Article 34 - The temporary admission regime for replacement parts and spare parts must be terminated together with the good to which it applied, according to the procedures of the ATA Carnet.

Sole paragraph - In the case referred to in the caput, replacement parts and spare parts admitted into the Country shall take the place of the ones originally admitted under the temporary admission regime for it to continue to be applied.

Article 35 - The customs office with jurisdiction over the location in which the good is being kept is the one that has the competence to terminate the temporary admission regime, except in the case provided for in item I of the caput of article 29, where the customs unit where re-export clearance was granted is the one that has such competence.

Article 36 - Termination of the temporary admission regime as provided for in items I to IV of the caput of article 29 does not impose an obligation of payment of suspended taxes.

Article 37 - If a timely request for the measures referred to in items II to V of the caput of Article 29 is denied, the beneficiary, within thirty (30) days from being informed of such final decision, unless the period allowed for the goods to remain in the Country is longer, shall:

I - start the process to obtain re-export clearance; or

II - request one of the modalities of termination of the temporary admission regime provided for in items II to V of the caput of article 29, other than those previously requested.

CHAPTER IX
NON-COMPLIANCE WITH THE TEMPORARY ADMISSION REGIME

Article 38 - Non-compliance with the temporary admission regime may take the following forms:

I - expiration of the period of validity of the regime without a request having been made for extending it as provided for in article 17 or without one of the measures to terminate it having been taken as provided for in article 29;

II - expiration of the thirty-day period from the date of denial of the timely request for extension or termination referred to in items II to V of article 29 or expiration of the remainder of the period allowed for the goods to remain in the Country referred to in article 37, without the process to obtain re-export clearance for the goods having been started or without a request for terminating the regime under a modality other than those previously requested having been made;

III - failure to take the measure requested and authorized to terminate the temporary admission regime in the form or within the deadline set by the customs authority;

IV - presentation of goods that do not correspond to those admitted into the Country for the purpose of taking the measures to terminate the regime referred to in article 29;

V - use of the goods for a purpose and in a way different from those that justified the granting of temporary admission; and

VI - destruction or perishing of goods by negligence or willful misconduct of the holder, his representative, or a person authorized by the holder.

Paragraph 1 - Once non-compliance with the temporary admission regime is confirmed, the customs authority shall require the guaranteeing association to pay all taxes due plus default interest from the date of clearance of the temporary import of the goods.

Paragraph 2 - The requirement referred to in paragraph 1 shall be complied with within one (1) year after the expiration of the period of validity of the ATA Carnet.

Paragraph 3 - After receiving the request, the guaranteeing association shall have a deadline of six (6) months to provide the customs authority with proof of the re-export operation of the good, in any of the cases of non-compliance provided for in items I to III of the caput.

Paragraph 4 - The re-export operation of the good shall be confirmed in the event referred to in paragraph 3 through the re-export voucher contained in the papers, provided that it was duly filled out, stamped and signed by the customs authority.

Paragraph 5 - When such re-export operation is not confirmed as set out in paragraph 4, it may be checked through:

I - a certificate issued by the customs authorities of another country where the good was temporarily admitted after the re-exportation operation that needs to be confirmed; or

II - any documentary evidence confirming that the good is out of the Country.

Paragraph 6 - The guaranteeing association shall pay to the RFB the amount corresponding to taxes due plus default interest from the date of clearance for temporary admission of the goods when:

I - it receives the request mentioned in paragraph 1, in the events of non-compliance contemplated in items IV to VI of the caput; or

II - the period of 6 (six) months provided for in paragraph 3 expires without the re-export operation of the goods having been confirmed, in the events of non-compliance contemplated in items I to III of the caput.

Paragraph 7 - The guaranteeing association may still confirm the re-export operation of the good within a period of three (3) months following the payment of the amount referred to in paragraph 6.

Paragraph 8 - Once the payment referred to in paragraph 6 is made by the guaranteeing association, the Tax Auditor of the Brazilian Internal Revenue Service shall terminate the temporary admission regime by informing on the ATA Carnet that the temporary admission was converted into permanent importation.

Paragraph 9 - The exit from the Country of goods cleared for consumption in accordance with the provisions of paragraph 8 shall be subject to the formalization of the relevant export procedures.

Article - 39 - The provisions of this Chapter shall not preclude the imposition of other applicable penalties and fiscal representation for criminal purposes, if applicable.

CHAPTER X GENERAL PROVISIONS

Article 40 - Coana may, within its competence, establish the necessary procedures to implement the provisions of this Normative Ruling.

Article 41 - The goods contemplated in this Normative Ruling may also enter the country temporarily at the discretion of the beneficiary of the temporary admission regime based on the provisions set out in a general import rule.

Article 42 - The goods contemplated in this Normative Ruling may not, while they are in the Country:

I - undergo any change, except normal depreciation resulting from their use, maintenance or repair; or

II - be consumed, except for the goods referred to in article 32.

Article 43 - To remove the goods from the customs warehouse, the importer shall present to the depositary a document issued by the competent tax department in the

state in question confirming that the ICMS (Value-Added Tax on Sales and Services) was duly paid, when the importer is not expressly waived from such obligation.

Article 44 - This Normative Ruling shall enter into force on the date of its publication in the Official Gazette.

JORGE ANTONIO DEHER RACHID

* This text does not replace the officially published one.