



MINISTRY OF INDUSTRY, FOREIGN TRADE AND SERVICES
SECRETARIA DE COMÉRCIO EXTERIOR

Ordinance No. 30, DATED JUNE 8, 2018

Provides for the electronic administrative procedure relating to trade remedies investigations under Decrees No. 1488, dated May 11, 1995, No. 1751, dated December 19, 1995, and No. 8058, dated July 26, 2013.

THE SECRETARY OF FOREIGN TRADE OF THE MINISTRY OF INDUSTRY, FOREIGN TRADE AND SERVICES, in compliance with dispositions of Article 17 of the Law No. 12.995, dated June 18, 2014 and in the exercise of the duties conferred by subparagraph VII of Article 18, of Annex I of Decree No. 9.260, dated December 29, 2017

Whereas the necessity to facilitate the access of interested parties to the dumping, subsidies and safeguards investigation procedures carried out by the Department of Trade Remedies (DECOM);

Whereas the provisions of Provisional Measure No. 2.200-2, dated August 24, 2001, that establishes the Brazilian Public Keys Infrastructure - ICP-Brasil, in order to guarantee the authenticity, integrity and legal validity to electronic documents;

Whereas the electronic documents produced with the use of the certification process made available by ICP-Brasil are assumed authentic in regard to the signatories, in accordance with Article 219 of the Law No. 10.406, dated January 10, 2002 - Civil Code; and

Whereas the necessity to regulate the use of electronic services made available by DECOM through "DECOM Digital System" - DDS; resolves as follows:

Article 1. The proceduring of administrative processes, the notification of acts, the constituting of case files, and the transmission of pleadings conducted by DECOM, in accordance with Decrees No. 1488, dated May 11, 1995, No. 1751, dated December 19, 1995, and No. 8058, dated July 26, 2013, shall be made through DDS, regulated by the present Directive.

Paragraph 1. The submission, the receipt or the handling of any procedural act requires the use of the World Wide Web.

Paragraph 2. Whenever required, digital documents produced by DECOM for pleadings and notification of acts shall be printed and sent to its recipients.

Article 2. The access to the system shall be made with the use of digital certificate issued under the Brazilian Public Keys Infrastructure (ICP-Brasil) at the electronic address <http://decomdigital.mdic.gov.br>

Paragraph 1. In the first access to the system, the representative of the interested party shall complete its registration in SDD by filling a form.

Paragraph 2. Interested parties shall participate in the course of investigations through a duly authorized representative recognized by DECOM, by means of supporting documentation.

Paragraph 3. Intervention in trade defense proceedings of representatives that are not authorized shall only be accepted in the execution of the following acts:

I - submission of supporting documentation to authorize legal representatives of an interested party;

II - request of extension of time to present questionnaires responses;

III - submission of responses to questionnaires and comments about product models;

IV - request of qualification of other parties which consider themselves as interested; and

V - submission of proposal of a surrogate market-oriented country.

Paragraph 4. The regularization of the qualification of the representatives who carry out the acts described in items II to V of the previous paragraph must be made within the period established in the act of the Secretariat of Foreign Trade that starts the corresponding process, without possibility of extension.

Paragraph 5. The absence of regularization of representation in the terms and conditions provided for in the previous paragraph will cause the acts to be considered non-existent.

Article 3. Scanning equipment and access to the World Wide Web will be kept available to representatives of interested parties at the Ministry of Industry, Foreign Trade and Services (MDIC), from 10 am to 5 pm.

Article 4. All procedural acts shall be digitally signed by means of digital certificates issued under ICP-Brasil, in order to maintain the integrity, the authenticity, the interoperability and, when needed, the confidentiality of the documents.

Paragraph 1. The representative of the interested party should follow the guidelines established by the National Institute of Information Technology at <http://www.iti.gov.br> to acquire an ICP-Brasil standard digital certificate.

Paragraph 2. The provisions of the caput shall apply to the production of digital documents, to the digitalization of original documents set out in analogue support and its submission, as well as in the storage of the corresponding digitalized documents, in accordance with Law No. 12.682, dated July 9, 2012.

Paragraph 3. DECOM, whenever deemed necessary, may request the original document presented digitalized, which should be presented within the time limit specified in the request notification.

Paragraph 4. In case the holder of the document indicated in the previous paragraph does not meet DECOM's request within the time limits, the digitalized document may be disregarded.

Paragraph 5. The originals of the scanned documents that were submitted to DECOM shall be preserved by its holder until it happens the statute of limitations, as provided for in laws of its own.

Article 5. The case files of the electronic process shall be protected by means of security access system and stored in an environment that ensures the preservation and the integrity of the data, with no need for the constitution of supplementary case files.

Article 6. In order to enable the presentation of samples of products to DECOM, the interested party's authorized legal representative shall describe in detail the sample and submit the description through "DECOM Digital System".

Paragraph 1. After submitting the description as provided for in the chapeau, the product shall be presented in MDIC's General Protocol within 5 (five) working days.

Paragraph 2. In case the sample presented does not correspond to the description submitted, DECOM shall disregard the document submitted electronically as well as the sample handed over.

Paragraph 3. Interested parties will have access to the samples handed to DECOM by means of a request that will be registered in the records of the corresponding process and at a date, time and place to be established by the Department.

Paragraph 4. Samples handed to DECOM during the course of a trade defense process shall be returned to the party which presented it, by means of a request made within 5 (five) working days from the termination of the investigation.

Paragraph 5. In case the interested party does not file the refund request within the time limits, the samples shall be disposed.

Article 7. In order to submit the documents, the legal representative shall:

I - register to the system during its first access to the "DECOM Digital System";

II - digitally sign the document(s);

III - select one of the options available at "DECOM Digital System"; and

IV - classify the document as "Restricted" or "Confidential", in accordance with Article 51 of Decree No. 8.058, of 2013, in the case of anti-dumping investigations, with art. 38 of Decree No. 1,751 of 1995, in the

case of subsidies investigations and with paragraph 6 of art. 3 of Decree No. 1488 of 1995, in the case of safeguard investigations; and

V - send text files in PDF format (Portable Document Format) and spreadsheets in XLSX format ("Microsoft Excel" spreadsheet).

Paragraph 1. In the case of inconsistency between the content of the document submitted and the specifications regarding confidentiality undertaken in the system by the legal representative about the aforementioned document, the specifications undertaken by the legal representative in the system shall prevail.

Paragraph 2. The disclosure of confidential information by mistake of classification of the document is sole responsibility of the party that submitted it.

Article 8. The external user is responsible for:

I - the access to an Internet Service Provider and the configuration of the computer used in the electronic transmissions;

II - the follow-up of the regular receipt of applications and documents transmitted electronically;

III - the acquisition, by itself or by the institution to which it is linked, of the digital certificate, ICP-Brasil standard, issued by accredited certification authority, and the respective portable cryptographic device;

IV - the correct completion of the requested data and the fields contained in "DECOM Digital System";

V - the equivalence between the data reported in the "DECOM Digital System" and the data contained in the documents transmitted;

VI - the registration of the parties or their legal representatives, by the name or corporate name contained in the Register of Individuals - CPF, the passport or the National Registry of Legal Entity - CNPJ of the Secretariat of the Federal Revenue of Brazil, by means of information from the CPF records, passport or CNPJ, as the case may be;

VII - the preparation of the documents by digital means in accordance with the requirements set forth in this Directive, regarding the format of the files transmitted electronically;

VIII - the integrity and readability of transmitted files; and

IX - the timely transmission of files, for the purposes of complying with procedural deadlines.

Article 9. When the electronic file has been submitted to meet a procedural time limit, it shall be regarded as timely received the files hosted by "DECOM Digital System" until 11:59:59 PM, according to the official time of Brasilia, of the last day of the time limit set.

Article 10. The "DECOM Digital System" will be available 24 (twenty-four) hours a day, uninterrupted, with the exception of system maintenance periods.

Sole Paragraph. Scheduled maintenance of the system will be informed in advance and carried out, preferably between 0h on Saturday and 10pm on Sunday, or between 0h and 6h on other days of the week.

Article 11. The lack of offer to users of any of the following services will be considered unavailability from the "DECOM Digital System" system:

I - access to the system;

II - user registration;

III - digital case files inquiry; or

IV - electronic transmission of documents.

Paragraph 1. The failure of data transmission between the workstations of the external user and the public communication network, as well as the technical impossibility resulting from failures in the equipment or programs of external users, are not characterized as system unavailability.

Paragraph 2. The unavailability will be analyzed individually, and the external user should contact the Ministry of Industry, Foreign Trade and Services, according to the guidelines contained in the system manual, when facing technical difficulties using it.

Article 12. The terms that expire on the day of occurrence of unavailability of any of the services referred to in art. 11 of this Ordinance will be extended to the business day following the system normalization.

Sole Paragraph. The extension referred to in this article will be carried out automatically by DECOM and informed upon registration in the records of the ongoing processes.

Article 13. This Ordinance shall enter into force on June 15, 2018.

Article 14. Directive No. 58, dated July 29, 2015, of the Secretariat of Foreign Trade is hereby revoked.

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