

Dear Exporter Members,

We have been informed by the Consulate General of India, Sao Paulo that they are presently involved in helping resolve some trade disputes concerning exporters from India to Brazil. In some of these cases, the Indian exporters have brought to their notice the efforts by Brazilian importer to get the export consignment released from Brazilian customs without producing the original Bill of Lading, as is the usual practice in international trade, but only with a scanned copy of the document.

The Consulate have sought the advice from other stakeholders to understand the issue better. It seems that in March 2020, probably to deal with the challenges created by the Covid situation, the Brazilian authorities issued regulations that allow for release of goods by customs on production of digital copy / scanned copy of the Bill of Lading. It is important that Indian exporters are aware of this possibility. The Consulate has been advised that an alternative for Indian exporter will be to send a digital copy written "COPY NON NEGOTIABLE" which would prevent the release of cargo at customs terminals without following the due procedure as was followed before the pandemic.

Reproducing the advice received by the Consulate from India Brazil Chamber of Commerce on this subject, which is self-explanatory:

**Quote**

*In the Brazilian customs system, it is possible to release goods upon presentation of an electronic copy (softcopy) of the original signed Bill of Lading and payment of local taxes.*

*As our system works by sampling, the presentation of the original physical documents (hardcopy) is no longer necessary, except in special situations and/or when required by the customs authority.*

*There is a legal guidance from COANA (General Coordination of Customs Administration - Coordenação-Geral de Administração Aduaneira) by number 17/2020 issued on March 24th , 2020, with the following content:*

***"We clarify that the softcopy of the Bill of Lading that is scanned in accordance with the provisions of Decree n° 10.278, of March 18th, 2020, will have the same legal effects as the original document/hardcopy, and its presentation in electronic format to the customs office will be considered as fulfilled with the prevision sustained on subsection IV, article 54, of Normative Instruction SRF n° 680, of October 2nd, 2006. It is worth mentioning that the scanned document must contain all of the obligatory requirements of the original and hardcopy, according to the governing legislation in force."***

*There are alternatives for Indian exporters not to be subject to the flexibility of Brazilian legislation.*

***To release the cargo, it is necessary to present a digital copy of the ORIGINAL Bill of Lading duly signed. Sending a digital copy written "COPY NON NEGOTIABLE" would prevent the release of the cargo at customs terminals.***

***Our suggestion is that exporters be instructed that in transactions involving CAD (Cash Against documents) payment, or with "payable" post-shipment installments only a non-negotiable copy of the Bill of Lading should be sent to the importer.***

*This simple procedure will prevent the removal of cargo from the bonded warehouse on which all extra storage costs will be incur if the exporter does not pay the exporter.*

*This same procedure should be adopted in bank charges when the exporter forwards the original documents via the bank.*

***In operations with more expressive amounts, the recommendation would be to use Letters of Credit that guarantee the exporter the payment upon presentation of the shipping documents.***

**Unquote**

Considering the above, members are hereby request to take all measures to ensure smooth completion of export transaction while exporting to Brazil.

With Kind Regards,

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