

Webinar – Brazilian Customs Process – 17th March, 2022

1) Harmonized
System
Nomenclature &
Correct product
classification in
destination (Brazil) –
Mitigating possible
risks;

2) Incorrect tax
classification &
Customs duties –
Brazil;

3) Case Study
– Puratos Brasil

1) Harmonized System Nomenclature & Correct product classification in destination (Brazil) – Mitigating possible risks;

Golden rule: brazilian importer must consider the six first digits adopted by the exporter in line with HS and only change the two last digits in order to fit to MERCOSUL Table. Most common mistakes: (i) change the entire classification code and (ii) do not apply correctly the last 2 (two) digits.

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CN code	Description	Conventional rate of duty (%)	Supplementary unit
1	2	3	4
2105 00 99	-- 7 % or more	(7,9 + 54 €/100 kg/ net) MAX (17,8 + 6,9 €/ 100 kg/net)	—
2106	Food preparations not elsewhere specified or included:		
2106 10	- Protein concentrates and textured protein substances:		
2106 10 20	-- Containing no milkfat, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch ...	12,8	—
2106 10 80	-- Other	EA ⁽¹⁾	—
2106 90	- Other:		
2106 90 20	-- Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages	17,3 MEN 1 €/ % vol/ hl	1 alc. 100 %
	-- Flavoured or coloured sugar syrups:		
2106 90 30	--- Isoglucose syrups	42,7 €/100 kg/net mas	—
	--- Other:		
2106 90 51	----- Lactose syrup	14 €/100 kg/net	—
2106 90 55	----- Glucose syrup and maltodextrine syrup	20 €/100 kg/net	—
2106 90 59	----- Other	0,4 €/100 kg/net ⁽²⁾	—
	-- Other:		
2106 90 92	--- Containing no milkfat, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	12,8	—
2106 90 98	Other:	9 + EA ⁽¹⁾ ⁽³⁾	—

21.06	Preparações alimentícias não especificadas nem compreendidas noutras posições.	
2106.10.00	- Concentrados de proteínas e substâncias proteicas texturizadas	14
2106.90	- Outras	
2106.90.10	Preparações do tipo utilizado para elaboração de bebidas	14
2106.90.2	Pós, inclusive com adição de açúcar ou outro edulcorante, para a fabricação de pudins, cremes, sorvetes, flans, gelatinas ou preparações similares	
2106.90.21	Para a fabricação de pudins, em embalagens imediatas de conteúdo inferior ou igual a 1 kg	18
2106.90.29	Outros	16
2106.90.30	Complementos alimentares	16
2106.90.40	Misturas à base de ascorbato de sódio e glucose próprias para embutidos	14
2106.90.50	Gomas de mascar, sem açúcar	16
2106.90.60	Caramelos, confeitos, pastilhas e produtos semelhantes, sem açúcar	16
2106.90.90	Outras	16

2) Incorrect tax classification & Customs duties – Brazil;

Most common consequences:

- 1) *Physical inspection by customs authorities (red channel) – delay on goods release;*
- 2) *Charge of the difference of taxes due in the import like Import Tax and/or IPI + 75% of fine in a potential tax assessment issued against the importer;*
- 3) *Charge of fine – 1% over customs value (for incorrect tax classification);*
- 4) *Charge of fine – 30% over customs value (for lack of Import License) – for some products (such as drugs, food, toys, among others) it is mandatory to have this authorisation;*

3) Case Study – Puratos Brasil;

Tax Assessment –
2015 – Incorrect Tax
Classification: Tax
authority claims: (i)
difference of Import
Tax ($16\% - 8\% = 8\%$ +
fine of 75%); (ii) fine
of 1% and (iii) fine of
30%



Administrative
defense: await first
grade decision

Main line of defense:
challenge the technical report
presented by the tax authority
that justified the
reclassification of the products