



**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

BRAZIL

*Supplement*

The following notification, dated and received on 8 August 2024, is being circulated at the request of the delegation of Brazil.

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**OFFICIAL GAZETTE**

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**SECEX ORDINANCE NO. 282, OF NOVEMBER 16, 2023**

It provides for the administrative procedures for public interest test in anti-dumping and countervailing measures.

The ACTING SECRETARY OF FOREIGN TRADE, OF THE MINISTRY OF DEVELOPMENT, INDUSTRY, TRADE AND SERVICES, in the use of the attributions conferred by article 20, clause V, of Annex I of Decree No. 11.427, of March 2, 2023, and based on article 3 of Decree No. 8.058, of July 26, 2013, and article 4 of Decree No. 10.839, of October 18, 2021, resolves:

**CHAPTER I**

**GENERAL PROVISIONS**

Article 1. This Ordinance regulates the processes of public interest test in anti-dumping and countervailing measures conducted by the Department of Trade Remedies – DECOM.

Article 2. In conducting the process of public interest test in trade remedies, the Department of Trade Remedies will observe the principles of legality, purpose, motivation, reasonableness, proportionality, morality, full defense, adversarial procedure, legal security, public interest, and efficiency.

Article 3. The process of public interest test in trade remedies, when conducted by the Department of Trade Remedies, will have the following modalities:

I – socio-economic, aimed at examining the positive and negative effects of the anti-dumping or countervailing measure on the economic agents belonging to the production, distribution, sale, and consumption chain in which the domestic industry is located, including its upstream and downstream links; or

II – in the total or partial interruption of manufacturing and supply by a national producer of the domestic product similar to the one subject of the anti-dumping or countervailing measure, provided that the interruption is significant, with either permanent or temporary duration.

Sole Paragraph. The analysis regarding the characterization of the interruption foreseen in clause II of the caput will use as a parameter the situation of the national supply observed in the last of the following trade remedies procedures concluded:

I – the original investigation that substantiated the application of the anti-dumping or countervailing measure subject to the public interest test;

II – the sunset review resulting in the extension of the anti-dumping or countervailing measure subject to the public interest test; or

III – the review due to change of circumstances resulting in the modification of the anti-dumping or countervailing measure subject to the public interest test.

Article 4. The public interest test conducted by DECOM aims to gather and analyze the pertinent factual and legal elements, with a view to supporting any decision to be adopted by the Chamber of Foreign Trade (CAMEX), based on article 3 of Decree No. 8.058, of 2013, or article 4 of Decree No. 10.839, of 2021.

§ 1. The factual and legal elements gathered during the public interest test, as well as the analyses carried out, will be included in a Technical Note to be prepared by DECOM after the end of the procedural instruction.

§ 2. The Technical Note referred to in § 1 will be forwarded to the Secretariat of Foreign Trade (SECEX), of the Ministry of Development, Industry, Trade and Services (MDIC), which will issue a recommendation to be addressed to the Executive Secretariat of CAMEX.

## **CHAPTER II**

### **THE PROCESS OF PUBLIC INTEREST TEST**

#### **Section I**

##### **Petition and Admissibility**

Article 5. The administrative process for public interest test as addressed in this Ordinance shall be initiated upon a written petition, substantiated by evidentiary elements indicating the need for adopting the exceptional measures provided for in article 3 of Decree No. 8,058, of 2013, or in article 4 of Decree No. 10,839, of 2021.

§ 1. In the case provided for in article 3, clause I, the petition must necessarily be accompanied by the Guide for Submitting a Public Interest Test Petition, contained in the Unique Annex to this Ordinance, duly filled out.

§ 2. In the case provided for in article 3, clause II, in addition to the elements pointed out in the caput, it should be indicated, if possible, the expected period for the interruption of supply by a national producer of the domestic product similar to the one subject of the anti-dumping or countervailing measure.

Article 6. Requests for the initiation of a public interest test, as provided for in Article 5, may be made by:

I – national interested parties, as defined in article 45, § 2, of Decree No. 8,058, of 2013, and in article 40, § 2, of Decree No. 10,839, of 2021, in the last of the following concluded trade remedies processes:

a) original investigation that substantiated the application of the anti-dumping or countervailing measure subject to the petition for the public interest test;

b) sunset review that substantiated the extension of the anti-dumping or countervailing measure subject to the petition for the public interest test; or

c) review due to change of circumstances that substantiated the modification of the anti-dumping or countervailing measure subject to the petition for the public interest test.

II – national industrial companies using the product subject to the anti-dumping or countervailing measure subject to the petition for the public interest test or suppliers of raw materials and inputs for its manufacture, and the class entity representing them; and

III – national users whose interests are adversely affected by the anti-dumping or countervailing measure subject to the petition for the public interest test.

Article 7. In the case provided for in article 3, clause I, the public interest test petition must be filed within an unextendable period of 45 days, counted from the date of publication of the GECEX Resolution that:

I - applied a definitive anti-dumping or countervailing measure, as a result of an original investigation, under the terms of article 2, clauses I and II, of Decree No. 8,058, of 2013, and article 3, clauses I and II, of Decree No. 10,839, of 2021;

II – extended a definitive anti-dumping or countervailing measure, as a result of a sunset review, under the terms of article 2, clause I, of Decree No. 8,058, of 2013, and article 3, clause I, of Decree No. 10,839, of 2021; or

III – modified a definitive anti-dumping or countervailing measure, as a result of a review due to change of circumstances, under the terms of article 2, clause V, of Decree No. 8,058, of 2013, and article 3, clause V, of Decree No. 10,839, of 2021.

Article 8. In the case provided for in article 3, clause II, the public interest test petition may be filed at any time, as long as the interruption of manufacturing and supply by a national producer of the domestic product similar to the one subject of the anti-dumping or countervailing measure persists, including during a trade remedies investigation.

Sole Paragraph. If there is a forecast of future interruption of the manufacturing and supply of the domestic product similar to the one subject of the anti-dumping or countervailing measure by a national producer, the petition referred to in the caput may be filed prior to its actual occurrence.

Article 9. The petition for public interest test and its accessory documents must necessarily be filed through the Electronic Information System (SEI), as addressed in SECEX Ordinance No. 162, of January 6, 2022.

§ 1. After the closure of a trade remedies process related to an original investigation, sunset review, or review due to change of circumstances, DECOM will create SEI processes for the filing of potential petitions based on article 3, clause I.

§ 2. The processes referred to in § 1 will receive their own numbering and will not be confused with the closed trade remedies process.

§ 3. DECOM will publish on its website the numbers of the processes referred to in § 1.

§ 4. In the case provided for in article 3, clause I, it will be necessary to use the intercurrent petitioning feature for filing the petition in SEI, to be carried out in the processes referred to in § 1.

Article 10. Petitions for public interest test will not be admitted if:

I – filed out of time;

II – filed by those not entitled, under the terms of article 6;

III – in breach of the provisions set forth in the caput of article 9; or

IV – in disregard of the provisions set forth in article 5, § 1.

## **Section II**

### **Analysis of the Petition and Start of the Public Interest Test**

Article 11. The petition filed in accordance with the provisions of Section I of this Chapter will be analyzed within:

I – fifteen days, counted from the end of the period referred to in the caput of Article 7, in the case provided for in Article 3, clause I; or

II – five days, counted from the date of its filing, in the case provided for in Article 3, clause II.

§ 1. If there is a need for minor corrections or complementary information and minor adjustments, DECOM will notify the interested party to amend the petition within five days, counted from the date of notification.

§ 2. The complementary information, corrections, or adjustments will be analyzed within:

I – ten days, counted from the date of their receipt, in the case provided for in Article 3, clause I; or

II – five days, counted from the date of their receipt, in the case provided for in Article 3, clause II.

§ 3. The deadlines specified in this article may be extended, according to a reasoned decision by DECOM.

Article 12. In case of approval of the request, SECEX will publish the decision to initiate the public interest test in the Official Gazette, based on a report prepared by DECOM, within:

I – fifteen days, in the case provided for in Article 3, clause I; or

II – five days, in the case provided for in Article 3, clause II.

§ 1. The deadlines referred to in the caput of this article will be counted:

I – from the end of the period referred to in Article 11, caput, clause I or II, as the case may be, if no complementary information to the petition was necessary; or

II - from the end of the period referred to in Article 11, § 2, clause I or II, as the case may be, if complementary information to the petition was necessary.

§ 2. The deadlines referred to in this article may be extended, according to a reasoned decision by SECEX.

Article 13. Petitions for public interest test addressed in this Ordinance will be denied when:

I – in the case of Article 3, clause I, they do not contain sufficient evidentiary elements indicating the existence of public interest in adopting the measures provided for in Article 3 of Decree No. 8,058, of 2013, and Article 4 of Decree No. 10,839, of 2021, from a socio-economic perspective;

II – in the case of Article 3, clause II, they do not contain sufficient evidentiary elements indicating the occurrence or forecast of a significant, total or partial interruption, with permanent or temporary duration, of the manufacturing and supply by a national producer of the domestic product similar to the one subject to the anti-dumping or countervailing measure.

Sole Paragraph. DECOM will notify the petitioner of the denial decision within the same deadlines established in Article 12.

Article 14. In exceptional circumstances, duly substantiated, SECEX may initiate a public interest test ex officio, based on a report prepared by DECOM, provided that it has elements indicating:

I – in the case of Article 3, clause I, the existence of public interest in adopting the measures provided for in Article 3 of Decree No. 8,058, of 2013, and Article 4 of Decree No. 10,839, of 2021, from a socio-economic perspective; or

II – in the case of Article 3, clause II, a significant, total or partial interruption, with permanent or temporary duration, of the manufacturing and supply by a national producer of the domestic product similar to the one subject to the anti-dumping or countervailing measure or its forecast.

Sole Paragraph. Once initiated ex officio, the public interest test will follow the same deadlines provided for in Section III of Chapter II.

### **Section III**

#### **Instruction**

Article 15. During the public interest test, information presented by interested parties and obtained directly by DECOM will be gathered, and relevant analyses will be conducted.

§ 1. The gathering of information and analyses mentioned in the caput shall be conducted with the objective of supporting a subsequent recommendation by SECEX and the decision-making by GECEX regarding the adoption or not of the measures referred to in Article 5.

§ 2. Impact simulations on welfare, from the producer's or consumer's perspective, will preferably be based on a partial equilibrium model.

§ 3. Other models may be used in the simulations referred to in § 2, provided their better suitability for the analysis's objectives is demonstrated.

§ 4. DECOM will consider studies presented by interested parties, as long as they meet the conditions established in Article 53 of Decree No. 8,058 of 2013, and Article 49 of Decree No. 10,839 of 2021.

Article 16. DECOM may use in its public interest analyses the data and information contained in the records of trade remedies investigations, preserving the confidentiality of sensitive data.

Article 17. The following will be considered interested parties in the public interest test:

I – those outlined in Article 6;

II – government agencies members of the Executive Management Committee – GECEX, of the Foreign Trade Chamber – CAMEX; and

III – other bodies and entities of the Executive Branch at DECOM's discretion.

Article 18. In the case provided for in Article 3, clause II, DECOM will immediately notify the known national producers of the product subject to the anti-dumping or countervailing measure about the start of the public interest test.

Article 19. Interested parties in the public interest test will have ample opportunity to present in writing the evidence and arguments they consider relevant to the public interest test.

Article 20. The probative phase of the public interest test will be closed within an unextendable period of:

I – twenty days, counted from the start of the public interest test, in the case provided for in Article 3, clause I; or

II – ten days, counted from the start of the public interest test, in the case provided for in Article 3, clause II.

Sole Paragraph. Evidence presented after the closure of the probative phase will be disregarded by DECOM.

Article 21. Interested parties may submit their final statements within an unextendable period of:

I – ten days, counted from the end of the period referred to in Article 20, clause I, in the case provided for in Article 3, clause I; or

II – five days, counted from the end of the period referred to in Article 20, clause II, in the case provided for in Article 3, clause II.

§ 1. Once the period referred to in clause I or II, as applicable, has expired, the procedural instruction will be considered closed.

§ 2. Information submitted after the closure of the procedural instruction will be disregarded by DECOM.

Article 22. Interested parties must clearly indicate in their petition and other statements and accessory documents filed in the process records which information is confidential, under penalty of being treated as restricted.

§ 1. If there is confidential information in a document to be filed in the records, the interested party submitting the confidential information must, simultaneously:

I – file in the confidential records a full version, with the elements deemed confidential highlighted, identified at the top of each page with the term [CONFIDENTIAL VERSION], in red; and

II – file in the restricted records a partial version, identified at the top of each page with the term [RESTRICTED VERSION], in blue, containing restricted summaries with justifications for the confidentiality of each data identified as confidential and with details that allow the understanding of the provided information, as well as being edited with marks, erasures, or omissions, strictly omitting the elements deemed confidential.

§ 2. In cases where it is not possible to present the summary, parties must justify such circumstance in writing.

§ 3. The justifications referred to in § 1 and § 2 do not constitute confidential information.

§ 4. The restricted summary related to confidential numerical information must be presented in a numerical format, in the form of index numbers or another form that allows a reasonable understanding of the information.

§ 5. At DECOM's discretion, documents, data, and information presented on a confidential basis will not be considered when confidential treatment could result in the infringement of the right to defense and to a contradiction of other interested parties.

§ 6. If DECOM considers the request for confidentiality unjustified and the interested party who provided the information refuses to adjust it for filing in non-confidential records, the information may be disregarded.

§ 7. The petition and other documents and statements, in all their versions, must be submitted simultaneously to comply with the deadlines and obligations established in this Ordinance.

§ 8. In case of inconsistency between the content of the document submitted and the confidentiality indications previously made in the SEI by the representative regarding said document, the indications made by the representative in the SEI will prevail.

Article 23. Access to confidential records will be limited to DECOM.

Article 24. Access to restricted records will be limited to DECOM and to interested parties with representatives duly authorized in the public interest test.

Sole Paragraph. During the period for filing a public interest test petition and its analysis, access to the restricted records will be exclusively allowed to DECOM and the petitioners.

Article 25. Confidential or restricted information obtained from a trade remedies process must necessarily be treated as confidential by the interested parties in the records of the public interest test.

§ 1. Information that is of notorious public nature in Brazil or is in the public domain in Brazil or abroad is not subject to the provisions of the caput.

§ 2. Confidential treatment as referred to in the caput may be waived in the case of filing by the party that holds the ownership of the information.

§ 3. The responsibility for improper access, by other interested parties, to information filed in the process of public interest test in disregard of the provisions of this article will fall upon the party that promoted its filing.

Article 26. From the publication by SECEX of the act initiating the public interest test as referred to in Articles 12 and 14, and throughout the entire procedural instruction, DECOM may:

I – send letters requesting information to interested parties and to any other entities deemed necessary;

II – call meetings with representatives of other government agencies and entities when the subject matter includes issues within their respective spheres of action, as well as request information from them to assist in the instruction of the process;

III – take any other necessary steps to obtain or confirm information relevant to the public interest test related to anti-dumping or countervailing measures.

Sole Paragraph. DECOM will inform the members of GECEX of the public interest test so that, if they wish, they can express their concerns or other relevant elements related to public interest before the closure of the instructional phase.

Article 27. Within twenty days, extendable, counted from the date of the end of the period stipulated in Article 21, clause I or II, as applicable, DECOM will prepare the technical note referred to in § 1 of Article 4.

§ 1. When preparing the technical note referred to in the caput, DECOM will take into account verifiable information that has been timely and appropriately presented, and therefore, usable in the public interest test.

§ 2. The technical note referred to in the caput will only be added to the process records after the publication by the Executive Secretariat of CAMEX of a decision on the adoption or not of the measures referenced in Article 5.

Article 28. Within five days, extendable, counted from the date of the end of the period stipulated in Article 27, SECEX will address the recommendation referred to in Article 4, § 2 to the Executive Secretariat of CAMEX.

§ 1. In the recommendation referred to in the caput, SECEX will position itself favorably or against the adoption of the measures provided for in Article 3 of Decree No. 8,058 of 2013, or in Article 4 of Decree No. 10,839 of 2021.

§ 2. The recommendation referred to in the caput will only be added to the process records after the publication by the Executive Secretariat of CAMEX of a decision on the adoption or not of the measures referenced in Article 5.

### **CHAPTER III**

#### **ON THE REAPPLICATION OF ANTI-DUMPING AND COUNTERVAILING MEASURES**

Article 29. If the suspension act referred to in Article 5 does not establish the automatic reapplication of the definitive anti-dumping or countervailing measure at the end of the suspension period therein, petitions for reapplication for the remaining term of its validity may be submitted.

Sole Paragraph. Any reapplication request must demonstrate the occurrence of new facts that may alter the analyses conducted in the previous public interest test that resulted in the suspension of the definitive anti-dumping or countervailing measure.

Article 30. In the case provided for in Article 3, clause I, the petition must be filed in the records of the public interest test process initiated by DECOM that supported the suspension at least four months before the expiration of the suspension of the definitive anti-dumping or countervailing measure.

Sole Paragraph. In the case of a petition for reapplication of a definitive countervailing measure, in addition to the provision in the caput, a minimum advance of eight months before the end of the measure's validity is required for the filing.

Article 31. In the case provided for in Article 3, clause II, the petition should be filed in the records of the public interest test process initiated by DECOM that supported the suspension preferably with a minimum advance of two months before the expiration of the suspension of the definitive anti-dumping or countervailing measure, under the risk of losing the object if there is not enough time for the analysis conclusion.

Sole Paragraph. In the case of a petition for reapplication of a definitive countervailing measure, in addition to the provision in the caput, a minimum advance of six months before the end of the measure's validity is required for the filing.

### **CHAPTER IV**

#### **ON THE EXTENSION OF THE SUSPENSION OF THE ENFORCEABILITY OF ANTI-DUMPING AND COUNTERVAILING MEASURES**

Article 33. If the suspension act referred to in Article 5 explicitly establishes the reapplication of the definitive anti-dumping or countervailing measure at the end of the suspension period, requests for the extension of this suspension may be submitted.

Sole Paragraph. The provision in the caput does not apply to anti-dumping measures whose suspension has already been extended.

Article 34. Any petition for the extension of the suspension of the measure's enforceability must demonstrate the persistence of the facts that motivated the original suspension or the occurrence of new facts that justify its maintenance.

Article 35. In the case provided for in Article 3, clause I, the filing of the petition must observe the deadlines established in Article 30.

Article 36. In the case provided for in Article 3, clause II, the filing of the petition must observe the deadlines established in Article 31.

Article 37. Except for the deadlines specified in Articles 35 and 36, the analysis of the petition referred to in Article 33 and the conduct of the respective public interest test by DECOM will follow the provisions in Chapter II.

## **CHAPTER V**

### **ON THE REEVALUATION OF ANTI-DUMPING AND COUNTERVAILING MEASURES APPLIED IN A DIFFERENT AMOUNT THAN RECOMMENDED**

Article 38. If a price undertaking has been ratified, or the definitive anti-dumping or countervailing measure applied in an amount different from that recommended in the trade remedies process, based on Article 3, clause III, of Decree No. 8,058 of 2013, or Article 4, clause III, of Decree No. 10,839 of 2021, requests for reevaluation of the measure may be submitted.

Sole Paragraph. The petition referred to in the caput must be filed in the records of the public interest test process initiated by DECOM that supported the application of the measure or the ratification of the price undertaking in an amount different from that recommended in the trade remedies process.

Article 39. Any petition for reevaluation referred to in Article 38 must demonstrate the occurrence of new facts that may alter the analyses conducted in the previous public interest test that resulted in the ratification of the price undertaking or the application of the definitive anti-dumping or countervailing right in an amount different from that recommended in the trade remedies process.

Article 40. The reevaluation petition referred to in Article 38 must be filed observing the following minimum advance periods before the end of the measure's validity:

I – four months in the case of an anti-dumping measure; or

II – eight months in the case of a countervailing measure.

Sole Paragraph. If the application of the definitive anti-dumping or countervailing measure or the ratification of the price undertaking in an amount different from that recommended in the trade remedies process is established for a definite period shorter than the measure's validity, the advances referred to in clauses I and II of the caput must be observed in relation to the end of the fixed definite period.

Article 41. If the reevaluation process referred to in this Chapter results in a negative decision by GECEX, a new request from the same petitioner will only be analyzed after a period of twelve months, counted from the publication of the denial decision.

Article 42. Except for the deadlines specified in Articles 40 and 41, the analysis of the petition referred to in Article 38 and the conduct of the respective public interest test by DECOM will follow the provisions in Chapter II.

## **CHAPTER VI**

### **FINAL AND TRANSITIONAL PROVISIONS**

Article 43. All documentation related to the public interest test process must be filed directly in the Electronic Information System (SEI).

Article 44. Legal representatives who submit information in the records must prove the granting of the necessary powers by the represented parties.

§ 1. If information is submitted in non-compliance with the provision in the caput, DECOM will request the legal representative to duly regularize it within an unextendable period of five days.

§ 2. In case of non-compliance with the regularization request within the period referred to in § 1, DECOM may disregard the information submitted in non-compliance with the provision in the caput.

Article 45. DECOM may require the submission of data and information included in the process records in a specific format, with the aim of facilitating the test and processing of the information.

Article 46. The counting of deadlines established in this Ordinance will follow the provisions in articles 185, 187, 188, 189, and 190 of Decree No. 8,058 of 2013, articles 180, 182, 183, 184, and 185 of Decree No. 10,839 of 2021, and article 19 of Law No. 12,995 of July 18, 2014.

Article 47. Under the terms of article 18 of Law No. 12,995 of June 18, 2014, for the purposes of the public interest tests addressed in this Ordinance, documents prepared in the official languages of the World Trade Organization may be incorporated into the process records.

§ 1. At DECOM's discretion, the following will also be accepted in the restricted records of the public interest test:

I - translations into Portuguese performed by the official representation of the exporting country in Brazil, provided they are accompanied by formal communication attesting to the authorship of the translation;

II - translations into Portuguese performed by the legal representative of the interested party presenting them, provided they are accompanied by formal communication attesting to the authorship, reliability, and accuracy of the translation; and

III - documentation in the official languages of the World Trade Organization obtained directly from an official governmental site or other reliable and impartial sources, such as legal text banks or the website of the World Trade Organization.

§ 2. Submissions based on § 1 must, under risk of non-acceptance:

I - be attached to the restricted records of the public interest test, in a way that allows for contradiction by other interested parties;

II - clearly and verifiably indicate the sources of the presented documentation; and

III - be accompanied by the full text of the document in its original language in a searchable and editable digital format, using character recognition, so that it is amenable to facilitated analysis by other interested parties.

§ 3. The conformity of documents submitted based on this article will be presumed, and DECOM or any interested party may challenge the submissions due to:

I - non-compliance with the formal requirements pointed out in this article; or

II - lack of reliability or inaccuracies in the presented documents, provided it is duly justified and accompanied by the necessary proof.

§ 4. Upon finding a lack of reliability or inaccuracies in the provided information or in the documents presented, the interested party will be asked to regularize them, through measures and within a deadline to be determined by DECOM, so as not to hinder the progress of the public interest test, under penalty of disregarding the documents.

§ 5. In case of intentional misuse of the provisions in § 1, the related documents will be disregarded, and the interested parties and their legal representatives may be held accountable in administrative, civil, and criminal spheres.

Article 48. The members of GECEX will have access, through the Technical Note referred to in § 1 of Article 4, to the confidential information submitted by the interested parties in public interest tests conducted as per the provisions of this Ordinance.

Article 49. The procedures in which Public Interest Questionnaires were presented before the commencement of this Ordinance will continue to be governed by SECEX Ordinance No. 13, of January 29, 2020.

Article 50. SECEX Ordinance No. 13, published in the Official Journal of the Union on January 30, 2020, and SECEX Ordinance No. 237, published in the Official Journal of the Union on March 8, 2023, are hereby repealed.

Article 51. This Ordinance shall come into effect on January 1, 2024.

## **RAFAELA TEIXEIRA VIEIRA NOMAN**

### **UNIQUE ANNEX**

#### **Guide for Submitting a Public Interest Test Petition**

##### General Instructions

Petitions for public interest test referred to in Article 5, as described in Article 3, clause I of this ordinance, filed after the publication of this Ordinance, must be prepared exclusively using the format present in this guide. Nonetheless, additional information beyond that requested in this guide that the petitioner deems necessary or appropriate for the test of their claim may also be submitted for DECOM's consideration. This guide aims to gather information necessary for a potential public interest test to be conducted by the Department of Trade Remedies ("DECOM"). Public interest test petitions may be requested by the parties listed in Article 6 of this ordinance. According to the caput of Article 9 of this ordinance, the public interest test petition and its accessory documents must be necessarily filed through the Electronic Information System (SEI), as addressed in SECEX Ordinance No. 162, of January 6, 2022. The filing of the petition and its accessory documents must be necessarily carried out through the intercurrent petitioning functionality in specific processes for public interest test to be announced on DECOM's website. DECOM will consider the following elements: (1) characteristics, production chain, and market of the product under analysis; (2) international supply of the product under analysis; (3) national supply of the product under analysis; and (4) impacts of the trade remedies measure on the dynamics of the national market. All sections of the guide must be completed by the applicant, even to inform that the requested data is not available. If there is no response for numeric fields, type the number zero; if there is no response for alphanumeric fields, type "none," "not applicable," or "not available," as appropriate, explaining the reason. Responses should be clear and precise. All presented information must be accompanied by proof, justification, and the sources and methodologies used. Any information considered relevant or pertinent to the process, even if not requested, may also be presented. DECOM may conduct on-site verification to examine records and verify information provided by interested parties. Spreadsheets and auxiliary documents used in the preparation of the petition must be preserved for possible on-site verification. Electronic files should be presented as follows: a) In ".doc" or ".docx" format: two files with the completed guide, one with the confidential version and another with the restricted version. b) In ".xls" or ".xlsx" format: two files with the spreadsheets used in filling out the guide, one with the confidential version and another with the restricted version. c) In ".pdf" format: two files containing the completed guide and the used spreadsheets, one with the confidential version and another with the restricted version. In preparing data, especially in tables in ".xls" or ".xlsx" format, alphabetical fields should be aligned to the left and numeric fields to the right. Dates should be formatted as a date field, not as an alphabetical field, in the format 12/34/5678, with positions 1 and 2 equal to (=) day, positions 3 and 4 equal to (=) month, positions 5 to 8 equal to (=) year. Data corresponding to monetary values should be filled in separating thousands with a dot and cents with a comma. Example: 2,550.30. Spreadsheets must contain the calculation memory and all formulas used. Separate processes will be created for the filing of Confidential and Restricted versions in the SEI. All documents presented by interested parties must follow the following standards: - The confidential version must contain the indication CONFIDENTIAL on all its pages, centered at the top and bottom of each page, in red color. The confidential version of the SEI process, as well as all documents filed in it, must have RESTRICTED access level, with the legal hypothesis "Trade Remedies and Public Interest". - The restricted version must contain the indication RESTRICTED on all its pages, centered at the top and bottom of each page. The restricted

version of the SEI process, as well as all documents filed in it, must have RESTRICTED access level, with the legal hypothesis "Trade Remedies and Public Interest". Applicants must indicate in their statements which information will be considered confidential. Those who submit information classified as confidential will simultaneously provide a confidential version and a restricted version of the corresponding piece, containing a restricted summary that allows understanding of the provided information. The inability to present a restricted summary must be duly justified. Justifications for confidentiality and restricted summaries will be part of the restricted version of the process. The completed petition guide and its confidential information must be filed simultaneously, each referring to its respective process. Disclosure of confidential information due to misclassification of the document is the exclusive responsibility of the interested party who submitted it. In case of inconsistency between the content of the document sent and the level of confidentiality of the records in which the document was filed in the SEI, the nature of the records in which the document was filed by the external user will prevail. Confidential information provided without a summary may be disregarded in the analysis of the process. The restricted summary related to confidential numerical information capable of summarization should be presented in a numerical format, in the form of index numbers or another indicator that allows understanding of the nature of the information.

Separate processes will be created in the SEI for the filing of the Confidential and Restricted versions. All documents submitted by interested parties must adhere to the established standards:

- The Confidential version must have the word "CONFIDENTIAL" on all its pages, centered at the top and bottom of each page, in red color. The confidential version of the SEI process, as well as all documents filed within it, must have a RESTRICTED access level, under the legal basis of "Trade Remedies and Public Interest."

- The Restricted version must have the word "RESTRICTED" on all its pages, centered at the top and bottom of each page. The restricted version of the SEI process, as well as all documents filed within it, must have a RESTRICTED access level, under the legal basis of "Trade Remedies and Public Interest."

Applicants must indicate in their filings which information is considered confidential. Those who submit confidential information must simultaneously provide a confidential version and a restricted version of the corresponding documentation, containing a restricted summary that allows for understanding the provided information. The inability to provide a restricted summary must be adequately justified. Justifications for confidentiality and restricted summaries will be part of the restricted version of the process. The filled petition guide and its confidential information must be filed simultaneously, each referring to its respective process. The responsibility for the disclosure of confidential information due to a misclassification of the document lies solely with the interested party who submitted it. In case of inconsistency between the content of the document sent and the level of confidentiality of the records in which the document was filed in SEI, the nature of the records in which the document was filed by the external user will prevail. Confidential information provided without a summary may be disregarded in the process analysis. The restricted summary related to confidential numerical information that can be summarized should be presented in a numerical format, as index numbers or another indicator that allows for an understanding of the nature of the information.

**I. Trade Remedies Measure Subject to Public Interest Test**

SEI Processes (trade remedies): [numbers]
SEI Processes (public interest): [numbers]
Subject: Public interest test regarding the [anti-dumping and/or countervailing] measure(s) affecting imports of [product under analysis], [applied, extended, or modified] by the Resolution [GECEX/CAMEX resolution that applied, extended, or modified the anti-dumping or countervailing measure]
Type of measure: [anti-dumping and/or countervailing]
Desired modification: [suspension of definitive measure; modification of definitive measure]

**II. Public Interest Test Applicant**

## General data of the interested party

Interested Party:
Corporate Name:
CNPJ (Brazilian Tax ID):
Complete Address:
Telephone:
E-mail:
Website:
Nature of the interested party: [Company; trade association; Other (Specify)]
Field of operation: [manufacturing industry; trading company; local distributor/reseller; end consumer; Other (Specify)].
Member of a trade association: [yes or no] and specify which one and the name, telephone, and email of the association.
Associations (Associations): specify the name and email of the associated companies, as well as present a list of supporting companies, when applicable.

## General Information of the Legal Representative

Corporate Name:
CNPJ (Brazilian Tax ID):
Legal Representative and Focal Point:
Name:
Position:
Address:
Telephone:
E-mail address:
Other Legal Representatives
Name:
Position:
Address:
Telephone:

## Interested Party/Legal Representative Responsibility Statement

[to be filled out by the legal representative of the interested party or the responsible person for the information in this guide]

Interested Party:
Legal Representative/Person Responsible for the Information:
Position/Function of the Legal Representative:
Telephone:
Address:
E-mail address:

I certify the truthfulness of the information contained in this guide and am aware that this information is subject to on-site verification by DECOM.

I authorize DECOM to use the information presented in this guide.

I am aware that the information presented as confidential, provided it is substantiated, will be treated as such and will not be disclosed without the express authorization of the party I represent, observing the relevant legal provisions.

**III. Public Interest Test Guide in Trade Remedies**

Analyzed Criteria
<b>I. Product Characteristics, Production Chain, and Market Analysis</b>
<p><b>I.1 Characteristics of the Product Under Analysis</b></p> <p>Illustrative and non-exhaustive list of elements:</p> <ul style="list-style-type: none"> <li>• Definition of the product under analysis in terms of trade remedies</li> <li>• Uses/functionality of the product under analysis in terms of trade remedies</li> </ul>
<p><b>I.2 Production Chain of the Product Under Analysis</b></p> <p>Illustrative and non-exhaustive list of elements:</p> <ul style="list-style-type: none"> <li>• Characterization of the upstream links in the production chain of the product under analysis (indicating, if possible, suppliers, distribution channels, supplied items, origins, among other relevant characteristics)</li> <li>• How the product under analysis is used in subsequent links (indicating, including how many links are subsequent, in terms of "chain")</li> <li>• Distinctive commercial practices of supply and distribution contracts, as well as other market operation information</li> </ul>
<p><b>I.3 Substitutability of the Product Under Analysis</b></p> <p>Illustrative and non-exhaustive list of elements:</p> <ul style="list-style-type: none"> <li>• Substitutability from the supply perspective</li> <li>• Substitutability from the demand perspective</li> </ul>
<b>II. International Supply of the Product Under Analysis</b>
<p><b>II.1 Alternative Origins of the Product Under Analysis</b></p> <p>Illustrative and non-exhaustive list of elements:</p> <ul style="list-style-type: none"> <li>• Installed production capacity (and potential excess capacity) of the product under analysis or its substitute in alternative origins</li> <li>• World production data of the product under analysis (market concentration analysis, economic groups, if applicable)</li> <li>• World export data of the product under analysis (volume and price)</li> <li>• Trade balance data of the world exporters of the product under analysis</li> <li>• Brazilian import data of the product under analysis (volume and price), from both affected and unaffected origins</li> </ul>

**II.2 Tariff and Non-Tariff Barriers to the Product Under Analysis**

Illustrative and non-exhaustive list of elements:

- Comparison of Brazil's Import Tax (II) with the world average II of World Trade Organization (WTO) countries, with the largest world producers, and with the largest world exporters
- Exceptions to the II of the product under analysis (e.g., ex-tariff, LETEC, LEBIT, etc.)
- Tariff preferences
- Special customs regimes (e.g., drawback)
- Other non-tariff barriers (governmental and private, such as homologation, technical standards, etc.)
- Trade remedies measures applied by Brazil to the product under analysis (including temporal analysis, behavior of economic groups, etc.)
- Other trade remedies measures applied by Brazil to related products and/or the same domestic industry
- Trade remedies measures and other tariff barriers applied globally

**III. National Supply of the Product Under Analysis****III.1 Risk of Supply Disruption and Interruption in Quantitative Terms**

Illustrative and non-exhaustive list of elements:

- National production data in terms of installed capacity (nominal and effective), idle, and inventory, compared to the Brazilian market. Include analysis of potential interruption of national production.
- Risks of supply shortages in terms of market prioritization (external market vs. domestic market vs. captive consumption vs. sales to related entities)
- Customer discrimination

**III.2 Risk of Restrictions to National Supply in Terms of Price, Quality, and Variety**

Illustrative and non-exhaustive list of elements:

Indicators of potential restrictions to national supply in terms of price

- Price evolution of the product under analysis with domestic industry cost (analysis of cost vs. price divergence of the product under analysis)
  - Price evolution of the product under analysis with other prices/indexes (comparison with other market parameters, such as price indexes, other links in the chain, international prices, etc.)

Indicators of potential restrictions to national supply in terms of quality and variety

- Representation of returns in the gross sales of the domestic industry (%)
- Evidence of technology delays of the product under analysis from the domestic industry compared to imported products
  - Evidence of quality differences of the product under analysis from the domestic industry compared to imported products (e.g., existence of adaptation costs for the client's production plant)

IV. Impacts of the Trade Remedies Measure on the Dynamics of the National Market

**IV.1 Impacts on the Domestic Industry**

Illustrative and non-exhaustive list of elements:

- Investments by the domestic industry in production capacity and in research and development/innovation
- Level of employment/productivity and regional development elements
- Evolution, throughout the validity of the measure, of the domestic industry indicators presented in the trade remedies procedure that prompted the petition (applicable only in cases of review)
- Existence and characterization of potential public policies targeting or affecting the domestic similar product

**IV.2 Impacts on the Upstream Chain**

Illustrative and non-exhaustive list of elements:

- Investments by the upstream link in production capacity and in research and development/innovation
- Level of employment/productivity and regional development elements
- Degree of dependence of the upstream link on supplying to the domestic industry
- Market conditions in the upstream link that may doubly harm downstream links (e.g., existence of other upstream trade remedies measures)
- Existence and characterization of potential public policies targeting or affecting the upstream links in the production chain of the domestic similar product

**IV.3 Impacts on the Downstream Chain**

Illustrative and non-exhaustive list of elements:

- Investments by the downstream link in production capacity and in research and development/innovation
- Level of employment/productivity and regional development elements
- Degree of dependence of the downstream link on the distribution of the national industry
- Significance of the cost of the product under analysis in the downstream link
- Risks of price increases, or production reduction, or reduction of consumer options, or loss of competitiveness (national and/or international), leading to a decrease in sales volume, turnover, and financial results of the next link
- Data on price elasticity of demand, with source indication, explanation of the methodology (detailing parameters and presenting calculation memory), and justification regarding the adequacy of the presented elasticity to the case
- Existence and characterization of potential public policies targeting or affecting the downstream links in the production chain of the domestic similar product

Simulation of Impacts

- Given the preference for the partial equilibrium model, if another model is indicated, justify why it would be more suitable.
- In all cases, present the detailing of the parameters used, as well as the complete calculation memory, including necessarily the raw bases and all other elements used for the calculation (spreadsheets, source codes, etc.), in order to allow DECOM to redo the simulation.

This content does not replace the version published in the certified version.

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