



memorandum to clients

03.04.2016

Development of the new Express Customs Clearance Regime, OEA-Compliance, and expansion of the Special Customs Industrial Bonded Warehouse Regime on Digital Control - RECOF

Companies qualified under the Express Customs Clearance Regime – “Blue Line” [Linha Azul] no longer benefit from the conveniences related to customs clearance, as of March 01, 2016, as the Federal Revenues Secretary [RFB] has launched the second phase of the Brazilian Authorized Safe Operator Program [Programa Brasileiro de Operador Econômico Autorizado] – OEA, on December 11, 2015, the OEA-Compliance, which replaces the “Blue Line”.

This new regime allows importers to achieve a lower percent of choices of import clearances for check channels, and, in addition, priority in the processing by RFB local units, upon the choice.

We highlight that the company qualified under the “Blue Line”, who has not stated its option to become an OEA until the deadline for the temporary certificate (March 01, 2016), may request at any time, qualification in the OEA Program via the conditions set to access the Program.

At the same time, at the core of the measures to easy trade, the Federal Revenues Secretary has expanded the access to the Special Customs Industrial Bonded Warehouse Regime – RECOF, which allows the beneficiary company to import or to acquire in the domestic market inputs for its production process, to industrialize its finished products and export, free from taxes in all phases, in addition to other benefits.

The advantages of this new RECOF are, in special, a simplification of the procedures and a reduction in the cost of the regime’s development and maintenance, as there is no need to acquire, install and homologate a digital system for in this new modality the company only has to enter the records in its digital accounting books (Public Digital Bookkeeping System – Sped).

In addition to the foregoing advantages, we ought to highlight that the Normative Instruction RFB no. 1559/2015 published in April 2015 had already adjusted some of the criteria for joining RECOF, such as the reduction of the net equity requirement, from R\$ 25 million to R\$ 10 million, and the revocation of the mandatory prior qualification in the Blue Line (Express Customs Clearance), in addition to the reduction in the annual minimum volume of exports required, from US\$ 10 million to US\$ 5 million.

In view of the above, the offices of **Souza, Schneider, Pugliese & Sztokfisz Advogados** are available to render further clarifications regarding these matters.



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