



# memorandum to clients

8/11/2017

## **MP n. 794/2017- The additional 1% of COFINS-imports will be due only after the period of 90 days**

In 30/03/2017 was published the provisional measure (“MP”) No 774 which, among other matters, revoke, with effect from 01/07/2017, the § 21 of the article 8th of Law No 10.865/2004, which established the additional 1% on the rate of COFINS-imports.

Thus, since July of this year, the taxpayers were released of the additional percentage. However, in 09/08/2017, was published the MP n. 794 which revoke, from then on, the MP no 774 to reestablish the additional 1% on the rate of COFINS-imports.

In spite of the very recent MP, this additional percentage must only be demanded after a 90 days holding period counted from the publication of the MP 794/2017. The aforementioned period is stated at the article 195, §6 of the Federal Constitution of 1988.

In this way, our law office is at your disposal to discuss and define the best strategy for conducting judicial preventive measure to avoid the impact of the additional 1% on the rate of COFINS-imports before the deadline of 90 days, as well as the restitution of unduly collected values during this period.

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