Portaria nº 177, de 16 de junho de 2021 Establishes the procedures to the phytosanitary certification in the export and import of plants, plant products parts, plant origin products and other regulated articles.

**CHAPTER V**

**PROCEDURES RELATED TO PHYTOSANITARY CERTIFICATION IN THE IMPORT OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES**

Art. 36. The import of plants, plant products and other regulated articles, regardless of the quantity imported; the intended use; intending or not for commercial purposes; and if imported by a person or legal entity; it must be accompanied by a phytosanitary certificate issued by the NPPO of the country of origin or by the country of re-export.

§ 1 The list of authorized plants, plant products and other regulated articles, considering the intended use and the plant part imported; and the respective countries of origin; will be made available on the website of the Ministry of Agriculture, Livestock and Supply on the internet.

§ 2 In addition to the Phytosanitary Certificate, it may be required specific phytosanitary requirements. These requirements should be described in the Phytosanitary Certificate.

§ 3 Processed plant products or plant origin products that do not offer risk of spread pests, considering their pest risk category established by a specific normative, will be exempted from the import requirement of phytosanitary certification.

§ 4 The import of plants, plant products and other regulated articles, when intending to scientific research, experiments, and plant propagation, must comply to the phytosanitary certification requirements and with the specific regulation.

Art. 37. The Phytosanitary Certificate must be issued by the NPPO of the country of origin or the country of re-export, by the competent authority, in accordance with the country rules that have been previously communicated to Brazil.

Art. 38. The Phytosanitary Certificate will be accepted only if it fully meets the phytosanitary requirements established by Brazil. § 1 ° The phytosanitary requirements must be met by the exporting NPPO while the consignment is still in its territory or in transit to Brazil § 2° It will not be allowed the correction or adjustment of an irregular or incomplete phytosanitary requirement if the consignment is already in Brazilian territory.

Art. 39. The Phytosanitary Certificates incomplete or irregular, as well as those considered invalid or fraudulent according to the international standards, will cause the refusal of the imported consignment and other sanction may be applied.

This prohibition does not apply to cases where it is possible to correct the irregularity by presenting a new Phytosanitary Certificate, issued by the NPPO of the exporting country or re-export country, that replaces and cancels the incorrect Phytosanitary Certificate.

Art. 40. The Phytosanitary Certificate may be delivered in electronic format or transmitted by an official electronic exchange, if previously agreed between the NPPO of Brazil and the NPPO of the exporting country.

Art. 41. The Phytosanitary Certificate for Re-export will be accepted if accompanied by the original Phytosanitary Certificate or its certified copy

Art. 42. The Phytosanitary Certificate or the Phytosanitary Certificate for Re-export will not be considered valid if they were issued more than 14 (fourteen) days before the departure of the plants, plant products and other regulated articles from the exporting country. The date of departure will be considered the date of bill of lading issuance.

Art. 43. The reimportation of a Brazilian plant product will not require new phytosanitary certification by the NPPO of the country responsible for the reshipment. In this case, the exportation from Brazil to the reshipment country must have been previously authorized by the Ministry of Agriculture, Livestock and Supply. The product must remain in its original package, without signs of manipulation. The Brazilian plant product must be accompanied by the original Brazilian Phytosanitary Certificate or its certified copy; and the plant product identity and traceability must have been preserved.

The product origin, identity and traceability must be confirmed when the export from Brazil was made without Phytosanitary Certificate.

§ 1 The return of a Brazilian plant product will not require the compliance of import phytosanitary requirements.

§ 2 ° In the case of plant products exported in bulk, in addition to the original Brazilian Phytosanitary Certificate or its certified copy, the NPPO of the importing country (reshipment country) must state the plant product was not exposed to infestation or contamination by pests.

§ 3 A Phytosanitary Certificate will be required to the NPPO of the reshipment country if the plant product has been exposed to infestation or contaminated by pest; or if it has lost its integrity or identity; or if it has been processed to modify its nature.

§ 4 ° The Ministry of Agriculture, Livestock and Food Supply may require phytosanitary measures for allowing the plant product entry.