



November 18, 2009

On August 31st, the World Trade Organization (WTO) ruled that Brazil was given authority to impose retaliatory duties against the U.S. relating to subsidies provided to U.S. cotton growers. Effective immediately the ruling allows Brazil to retaliate against U.S. origin goods and services up to a value of US\$900 million. Half of the allowed value relates to imported products and half to intellectual property rights and services.

On November 9th, the Brazilian Chamber of Foreign Trade (CAMEX) published a list of 222 items as a government recommendation of products of U.S. origin. Import duty rates are expected to increase on a wide range of these goods.

The list published by CAMEX equals US\$2.7 billion in imported goods, representing 10.6% of all goods imported from the U.S. in 2008. This preliminary list may be reduced to total US\$450 million in imported goods, pending the results of a public hearing and the decisions of CAMEX ministers.

Brazilian entities, especially Industry/Commercial Associations, have until November 30th to provide their input on the listed products. CAMEX stated that during this process it will consider both domestic industry and consumer interests.

Once the list has been finalized, it will be presented to the WTO and the products included may potentially have their import duty rate increased up to 100%, effective January 2010. CAMEX also indicated that as a next step it may consider retaliations against U.S. intellectual property rights and services totaling \$450 million USD.

Understanding the potential implications this could have, Brazil has not officially decided to use its cross-retaliation right. There are still conflicting opinions as to whether the Brazilian government should in fact apply the retaliation or not. Mr. Carlos Cozenendey, director of the Itamaraty Economic Department, reported that unless the U.S. takes measures regarding its cotton subsidies, there will be retaliation.

Importers should take measures immediately to voice their concerns regarding their specific products. Given that this list of products is not definitive and open to amendment. If you are trading in one of the listed goods and are interested in possibly amending the list please contact Sandler and Travis professionals in our Washington and São Paulo offices who can provide valuable assistance to businesses in their submissions to the government and/or their Industry Associations. For more information please contact:

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List of imported goods subject to increased duty rates

0303.51.00	herring (<i>clupea harengus</i> , <i>clupea pallasii</i>)
0303.71.00	sardine (<i>sardina pilchardus</i> , <i>sardinops</i> spp.), sardinella (<i>sardinella</i> spp.), brisling or sprats (<i>sprattus sprattus</i>)
0402.10.10	of an arsenic, lead or copper content, taken separately, of less than 5 ppm (In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5 percent)
0404.10.00	serum of milk, modified or not, even concentrated or sugar or sweetener added
0504.00.13	Pig/Hog intestine
0802.21.00	hazelnuts or filberts (<i>corylus</i> spp.): in shell
0802.31.00	walnuts in shell
0802.32.00	walnuts, shelled
0806.20.00	raisins
0808.20.10	pears
0809.20.00	cherries
0809.40.00	plums and sloes
1001.90.90	other (wheat and meslin)
1105.20.00	flakes, granules and pellets (flour)
1302.12.00	Vegetable saps and extracts of licorice.
1302.13.00	Vegetable saps and extracts of hops
1302.19.99	other (others vegetable saps and extracts)

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1502.00.11	raw (fats of bovine animals, sheep or goats, other than those of heading of 15.03)
1507.90.90	others (Others crude oil, whether or not degummed)
1514.11.00	crude oil (low erucic acid rape or colza oil and its fractions)
1514.19.10	refined oil
1516.20.00	vegetable fats and oils and its fractions
1702.19.00	Other sugars (lactose and lactose syrup)
2005.20.00	potatoes
2009.90.00	mixtures of juices
2103.20.10	in containers of less than 1 kilo (tomato ketchup and other tomatoes sauces)
2103.90.91	in containers of less than 1 kilo (others sauces and preparations therefore; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard)
2106.10.00	protein concentrates and textured protein substances.
2106.90.10	non-alcoholic preparations of a kind used in the manufacture of beverages
2106.90.30	food supplements
2106.90.50	chewing gum, without sugar
2106.90.90	others (others food preparations not elsewhere specified or included)
2202.90.00	other (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavored, and other nonalcoholic beverages, not including fruit or vegetable juices of heading 2009)
2303.20.00	beet-pulp, sugar cane bagasse and other waste of sugar manufacture.

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2503.00.10	in bulk (sulfur of all kinds, other than sublimed sulfur, precipitated sulfur and colloidal sulfur)
2815.12.00	Sodium Hydroxide in aqueous solution (soda lye or liquid soda)
2905.11.00	methanol (methyl alcohol)
2905.13.00	butan-1-ol (<i>n</i> -butyl alcohol)
2929.10.21	mixed isomers
3003.90.55	paracetamol; bromopride
3004.20.19	other (medicaments containing others antibiotics)
3004.20.79	others (containing polypeptides or its derivatives)
3004.31.00	medicaments containing insulin
3004.39.39	other (medicaments containing estrogens or progestins)
3004.40.90	other (medicaments containing alkaloids or derivatives thereof but not containing hormones, other products of heading no. 29.37 or antibiotics)
3004.50.50	d calcium pantotenate; vitamin d3 (colecaciferol)
3004.90.19	other (Others medicaments (excluding goods of heading 3002, 3005 or 3006) consisting of mixed or unmixed products for therapeutic or prophylactic uses, put up in measured doses (including those in the form of transdermal administration systems) or in forms or packings for retail sale (con.)
3004.90.49	other (containing products of the headings 2924 to 2926, but not containing products of items 3004.90.1 to 3004.90.3)
3005.10.90	other (adhesive dressings and other articles having an adhesive layer)
3006.10.90	other (sterile surgical catgut, similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for surgical wound closure; sterile laminaria and sterile laminaria tents; sterile absorbable surgical or dental hemostatics; sterile surgical or dental adhesion barriers, whether or not absorbable)

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3006.40.12	other dental cements and other dental fillings
3303.00.20	perfumes
3304.10.00	lip makeup preparation
3304.99.10	beauty creams and nutritional creams; petroleum jelly
3304.99.90	others (others beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations)
3305.10.00	shampoos
3305.90.00	others (hair care products)
3306.10.00	dentifrices
3306.90.00	other (preparations for oral or dental hygiene, including denture fixative pastes and powders; yarn used to clean between the teeth (dental floss), in individual retail packages)
3307.10.00	preparations for shaving
3307.20.90	other (personal deodorants and antiperspirants)
3307.90.00	other (pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties)
3401.19.00	others (soap and organic surface-active products and preparations, in the form of bars, molded pieces or shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent)
3402.90.39	other (washing preparations)
3707.90.21	based on carbon black or dye and thermoplastic resins, for electrostatic document reproduction
3901.20.29	other (not containing fillers - Polyethylene having a specific gravity of 0.94 or more)
3901.90.90	other (other polymers of ethylene, in primary forms)

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3902.10.20	not containing fillers (polypropylene)
3904.10.10	obtained by suspension process (poly(vinyl chloride), not mixed with any other substances)
3917.40.90	other (accessories of tubes, pipes and hoses and fittings therefore (for example, joints, elbows, flanges, of plastics (con.))
3923.10.90	other (boxes, cases, crates and similar articles)
3923.29.90	others (Other plastics)
3923.30.00	carboys, bottles, flasks and similar articles
3923.50.00	stoppers, lids, caps and other closures
3926.90.90	other (other - Other articles of plastics and articles of other materials of headings 3901 to 3914)
4011.10.00	of a kind used on motor cars (including station wagons and racing cars)
4011.20.90	others (of a kind used on buses or trucks)
4011.63.90	other (of a kind used on civil construction or industrial handling vehicles and machines and having a rim size exceeding 61 cm)
4011.94.90	other (of a kind used on construction or industrial handling vehicles and machines and having a rim size exceeding 61 cm)
4016.93.00	gaskets, washers and other seals
4016.95.90	other (other inflatable articles)
4703.21.00	coniferous wood (semi-bleached or bleached - chemical wood pulp, soda or sulfate, other than dissolving grades)
4811.41.10	in strips or rolls of a width not exceeding 15 cm or in sheets of which no side exceeds 360 mm in the unfolded state (paper)
4813.20.00	in rolls of a width not exceeding 5 cm

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4908.90.00	other (transfers (decalcomanias))
5201.00.20	not further prepared than ginned (cotton, not carded or combed)
5201.00.90	other (cotton not carded or combed)
5203.00.00	cotton carded or combed
5204.11.31	two-ply
5205.11.00	Measuring 714.29 decitex or more (not exceeding 14 metric number) single yarn, of uncombed fibres – cotton yarn (other than sewing thread), containing 85% or more by weight of cotton, not put up for retail sale)
5208.21.00	plain weave, weighing not more than 100 g/m ² (bleached)
5208.31.00	plain weave, weighing not more than 100 g/m ² (dyed)
5208.32.00	plain weave, weighing more than 100 g/m ² (dyed)
5208.33.00	3- thread or 4- thread twill, including cross twill (dyed)
5208.42.00	plain weave, weighing more than 100 g/m ² (of yarns of different colors)
5208.49.00	others fabrics (of yarns of different colors)
5208.52.00	plaine weave, weighing more than 100 g/m ² (printed)
5208.59.90	other fabrics (printed)
5209.22.00	3-thread or 4-thread twill, including cross-twill (bleached)
5209.29.00	other fabrics (bleached)
5209.32.00	dyed 3- or 4-thread twill (dyed)

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5209.39.00	other fabrics (dyed)
5209.41.00	plain weave (of yarns of different colors)
5209.42.10	of yarns dyed blue denim (colour index 73000) (of yarns of different colors)
5209.49.00	other fabrics (of yarns of different colors)
5209.51.00	plain weave (printed)
5209.59.00	other fabrics (printed)
5210.21.00	plain weave (bleached)
5210.41.00	plain weave (of yarns of different colors)
5210.51.00	plain weave (printed)
5211.39.00	other fabrics (dyed)
5211.43.00	3-thread or 4-thread twill (of yarns of different colors)
5211.49.00	other fabrics (of yarns of different colors)
5211.59.00	other fabrics (printed)
5212.13.00	dyed (weighing not more than 200 g/m ²)
5212.15.00	printed (weighing not more than 200 g/m ²)
5212.24.00	of yarn of different colors (weighing more than 200 g/m ²)
5407.42.00	dyed (other woven fabrics, containing 85 percent or more by weight of filaments of nylon or other polyamides)
5601.21.90	other articles of wadding

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5603.12.10	of high density polyethylene
5603.12.90	Others (weighing over 25g/m ² but over than 70 g/m ²)
5603.13.90	Others (weighing over 70g/m ² but not over than 150 g/m ²)
5603.14.90	others (weighing over 150 g/m ²)
5608.90.00	others (knotted netting of twine, cordage or rope, of other materials; made up fishing nets and other made up nets)
5703.20.00	of nylon or other polyamides (carpets)
5806.31.00	Of cotton (others tapes)
5903.90.00	others (textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading no. 59.02)
5907.00.00	textile fabrics otherwise impregnated, coated or covered, painted canvas being theatrical scenery, studio back-cloths or the like
6006.21.00	unbleached or bleached (cotton fabrics)
6006.22.00	dyed (cotton fabrics)
6006.23.00	yarn of different colors (cotton fabrics)
6101.20.00	of cotton (men's or boy's overcoats, car-coats, capes, cloaks, anoraks, knitted or crocheted, other than those of heading no. 61.03- woven)
6102.20.00	of cotton (women's or girls' overcoats, car-coats, capes, cloaks, anoraks, knitted or crocheted, other than those of heading no. 61.04- woven)
6104.32.00	of cotton (women's or girls' jackets and blazers, knitted- woven)
6104.42.00	of cotton (women's or girls' dresses - woven)
6104.62.00	of cotton (women/girls trousers, brace overalls, breeches and shorts- woven)

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6106.10.00	of cotton (knitted woven women's or girls' blouses and shirts)
6109.10.00	of cotton (knitted woven t-shirts, singlet's)
6110.20.00	of cotton sweaters (knitted woven sweaters pullovers and similar articles)
6111.20.00	of cotton (knitted woven babies' blouses and shirts)
6115.95.00	of cotton (others)
6116.10.00	gloves impregnated, coated or covered with plastics or rubber
6116.92.00	of cotton (others)
6203.42.00	of cotton (men/boys trousers, brace overalls, breeches and shorts- nonwoven)
6204.42.00	of cotton (dresses- nonwoven)
6204.62.00	of cotton (women/girls trousers, brace overalls, breeches and shorts- nonwoven)
6205.20.00	of cotton (men's or boys' shirts- nonwoven)
6206.30.00	of cotton (women's or girls' blouses, shirts and shirt-blouses- nonwoven)
6207.91.00	of cotton (others)
6213.20.00	of cotton (handkerchiefs and pocket- nonwoven)
6302.21.00	of cotton (other bed linen, printed)
6302.31.00	of cotton (bed linen)
6303.92.00	of synthetic fibers

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6307.90.10	nonwovens
6307.90.90	others
7019.39.00	others (voiles, webs, mats, mattresses, boards and similar nonwoven)
7019.59.00	others (others fabrics)
7113.19.00	articles of jewelry and parts thereof, of precious metal or of metal clad with precious metal, of other precious metal, whether or not plated or clad with precious metal.
7208.39.90	other (thickness inferior to 3mm)
8212.10.20	razors
8212.20.10	razor blades
8407.21.90	other outboard motors
8415.90.00	parts (air conditioning machines)
8418.40.00	freezers of the upright type, not exceeding 900 liters capacity
8418.50.10	refrigerating (freezers)
8433.11.00	mowers for lawns, with the cutting device rotating in a horizontal plane
8471.90.12	bar code readers
8506.10.10	alkaline batteries
8506.80.90	others (Other batteries)
8516.60.00	other ovens; cookers, cooking plates, boiling rings, grillers and roasters.

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8517.12.31	portable (cell phones nets except satellites)
8517.18.10	videophones
8518.10.90	other (microphones and supports)
8518.21.00	single loudspeakers, mounted in their enclosures
8518.22.00	multiple loudspeakers, mounted in the same enclosure
8518.30.00	headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers
8518.40.00	audio-frequency electric amplifiers
8518.50.00	electric sound amplifier sets
8521.90.90	others
8525.80.19	others (television cameras)
8525.80.29	others (digital photographic cameras and video cameras)
8527.21.90	others (combined with recording and sound reproducing sound systems)
8528.49.29	other (polychromatic)
8703.21.00	cylinder capacity not exceeding 1 000 cc
8703.23.10	seating capacity of not more than 6, including the driver
8703.24.10	seating capacity of not more than 6, including the driver
8703.24.90	others (cylinder capacity exceeding 3000cc)

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8703.33.10	seating capacity of not more than 6, including the driver
8711.50.00	piston engine of a cylinder capacity exceeding 800 cc
8903.92.00	vessels motorboats except outboard motorboats
8903.99.00	other (others)
9001.30.00	contact lenses
9004.10.00	sunglasses
9008.30.00	other still image projectors
9018.19.10	endoscopy apparatus
9018.19.80	others (others)
9018.19.90	parts
9018.32.19	others (tubular metal needles)
9018.39.10	needles
9018.39.24	peripheral intravenous catheters, of polyurethane or of ethylene tetrafluoroethylene copolymers (etfe)
9018.39.29	other (probes, catheters, cannulas)
9018.90.94	endoscopy apparatus
9019.20.10	oxygen therapy apparatus
9019.20.90	others (ozone therapy, oxygen therapy, aerosol therapy equipment, resuscitation respiration equipment and other respiratory therapy equipment)

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9021.10.20	splints and other fracture appliances
9021.31.10	femoral appliances
9021.31.90	other (articulated prosthesis)
9021.39.19	others (cardiac valves)
9021.39.80	others (others)
9021.90.89	others (others)
9021.90.99	other (parts and accessories)
9022.14.90	other (for medical, surgical, dental or veterinary purposes)
9022.30.00	x-ray tubes
9022.90.80	other (other parts and accessories)
9022.90.90	parts and accessories of x-ray apparatus
9102.11.10	with case of base metal (watches, pocket watches and similar watches, including meters time of same type), than those of heading 91.01.
9401.20.00	seats of a kind used for motor vehicles
9401.30.90	other (swivel seats with adjustable height)
9403.70.00	furniture of plastics
9506.91.00	articles and equipment for general physical exercise, gymnastics or athletics
9603.21.00	tooth brushes, including dental-plate brushes

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9701.10.00	paintings, drawings and pastels
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