DISCLAIMER: This is a free translation of Brazilian IN 15/2004 mentioned in ANEC contracts. It does not replace, complement or substitute the original document published by Brazilian Government.
The original document may be edited, substituted or complemented at any time without previous advise from its publisher.
For all purposes, the original document published in Portuguese by Brazilian government is the valid one.

MINISTRY OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY

MINISTER'S OFFICE

NORMATIVE RULING NO. 15, OF MAY 9, 2004

THE MINISTER OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY, exercising the authority vested in him by Article 87, sole paragraph, item II, of the Brazilian Constitution, and Law No. 9972 of May 25, 2000, Decree No. 3664 of November 17, 2000, Resolution CONCEX No. 160, of June 20, 1988, and of Proceeding No. 21000.004772/2004-22, does resolve:

Article 1. To approve the requirements and procedures for the certification of hygienic and sanitary conditions of soybeans for domestic sale, export and import, as provided for in the annex to this Normative Ruling.

Article 2. The actions of the Ministry of Agriculture, Livestock and Food Supply for the import and export of soybeans will be conditioned on the fulfillment of the hygienic and sanitary conditions set forth in this Normative Ruling.

Article 3. The omitted cases and doubts raised in applying this Ruling will be resolved by the Ministry of Agriculture, Livestock and Food Supply.

Article 4. This Normative Ruling shall come into force on the date of its publication.

ROBERTO RODRIGUES

ANNEX

REQUIREMENTS AND PROCEDURES FOR VERIFYING THE HYGIENE AND SANITARY CONDITIONS OF SOYBEANS

1 - OBJECTIVE: establish procedures to qualify and quantify the presence of particles with unknown toxicity, moldy grains and dead insects or parts thereof, impurities and/or foreign matter.

2 - SCOPE OF APPLICATION: these procedures will be applied to soybeans of the species Glycine max (L.) Merril intended for domestic trading, import and export.

3 - CONCEPTS

3.1 - Particles with unknown toxicity: foreign particles, beans or pieces thereof that are different

Free translation

from their natural condition, with suspected toxicity.

3.1.1. Pieces of broken beans (cotyledons) will be considered as half a particle and smaller pieces will be considered as a quarter of a particle.

3.2 - Moldy beans: beans or pieces of beans with fungi (mold or mildew) visible to the naked eye.

3.3 - Foreign matter and/or impurities: all materials that leak through sieves with the following characteristics: sheet thickness: 0.8 mm; number of holes: 400/100cm^2, diameter: 3.0 mm, or that are retained in sieves, other than soybean, including pods not threshed. The soybean husk (skin) retained by sieves is not considered impurity.

4 - GENERAL REQUIREMENTS

4.1 - Soybeans shall be physiologically developed, healthy, clean, dry and free from odors that are foreign or inappropriate to the product.

4.2 - Soybeans presenting live insects shall undergo phytosanitary treatments and, before being sold for direct human consumption, they cannot present dead insects or parts thereof above the limits provided for in the specific Brazilian legislation or in the CODEX ALIMENTARIUS.

5 - TOLERANCE: in checking the parameters relating to hygiene and sanitary conditions of soybeans, the following will be admitted as maximum limits for the sample:

5.1 - Accidental presence of particles of plant origin with unknown toxicity: one (1) particle per kilo, in the weighted average of samples collected in the devices described in items 8.3 to 8.6 of this Normative Ruling;

5.1.1 - This tolerance will be zero (0) when the product is to be consumed fresh.

5.1.2 - When calculating the weighted average, consider only the two (2) first decimal places, disregarding the remaining fractions, as applicable.

5.2 - Moldy beans: 6.0% (six percent);

5.3 - Dead insects or parts thereof: when soybeans are intended for direct consumption, the limit set forth in the specific national legislation shall be followed.

5.4 - Impurities and/or Foreign matter: 1.0% (one percent)

6 - ANALYSES RESULTS

6.1 - In the import and export procedures, the analyses results for verification of compliance with this Normative Ruling will be provided by this Ministry or the official or accredited entities under the terms of Decree No. 3664, of November 17, 2000, which will be recognized by the federal agricultural inspection office.

6.1.1 - If any irregularity or untrue information is identified in the results provided for in item 6.1, the product sales shall be suspended, as a precautionary measure, as provided for in paragraph 1, Article 9 of Law No. 9972, of May, 25, 2000, regulated by item II, Article 26, of Decree No. 3664, of November 17, 2000, and the necessary measures shall be taken to determine administrative and

Free translation

criminal liability.

6.2 - In the event of accidental presence of a plant particle with unknown toxicity, at an amount higher than the one provided for in item 5.1 of this Normative Ruling, the collected samples shall be submitted to laboratory analysis in order to check whether they are within the maximum limits of residue determined by the specific Brazilian legislation or by Codex Alimentarius.

6.2.1 - In the event the analysis shows results above the maximum permitted residue limits, the lot from which the analyzed samples were taken cannot be sold, and shall be reprocessed to comply with the relevant legal limits, or used for another purpose upon a specific authorization from MAPA.

6.3 - The export of soybeans with limits higher than those established in item 5 of this Normative Ruling may be authorized, provided that this condition is stated in the contractual clauses between the parties, and the exporting company shall comply with the legislation of the country of destination.

6.4 - The expenses incurred on the analyses provided for in this Ruling will be borne by the exporter, importer or trader responsible for the goods.

7 - INSPECTION

7.1 - During the inspection conducted by the Ministry of Agriculture, Livestock and Food Supply, the sale of soybeans presenting limits higher than those established in this Normative Ruling shall be suspended, as a precautionary measure, as provided for in Paragraph 1, Article 9 of Law No. 9972, of May 25, 2000, regulated by item II, Article 26 of Decree No. 3664, of November 17, 2000, except as provided for in item 6.3.

7.1 - The Trading Suspension Notice shall contain the maximum period for the suspension, the requirements or measures to be taken, as well as the appointment of the product holder as the depositary, until completion of the measures required by the inspection.

7.1.1 - The maximum term for the suspension will be thirty (30) days, as from the date the Notice is received.

7.1.2- The inspection shall require, within the established period, the analysis provided for in item 6.2, or as applicable, determine that soybeans be processed before being sold, in order to meet the maximum limits set forth in this Normative Ruling.

7.2- When the term established in item 7.2.1 expires, and if the product owner does not comply with the inspection requirements, or in the event item 6.2 is applicable, a Notice of Infraction must be sent to the owner of the goods, characterizing the infraction under items III and IV, Article 19 of Decree No. 3664 of 2000, combined with the provisions of this Normative Ruling, for placing on the consumer market a product that does not comply with legal requirements and does not comply with the requirements imposed by the inspection.

7.4 - The Notice of Infraction will be the complaint issued under the administrative proceeding filed to determine the infraction committed, through which the penalty of seizure of products will be applied, based on items III and IV, Article 27 of Decree No. 3664, of 2000, as well as the sentence, based on Article 28 of that Decree.

Free translation

8- SAMPLING

8.1 - Sampling shall be conducted by an entity accredited by the Ministry of Agriculture, Livestock and Food Supply, or by the latter, while conducting inspection activities.

8.2 - The individual or legal person who collects the sample shall be legally responsible for the representativeness of the sample in relation to the lot or volume from which it originated.

8.3- Samples taken from Vehicles - road and rail transport:

8.3.1- Samples shall be collected at those points in vehicles recommended by this Normative Ruling, at depths that reach the upper third, the middle and the lower third of the cargo to be sampled, and at least six kilograms (6 kg) of the product shall be extracted.

8.3.2 - The six kilograms (6 kg) resulting from this sampling shall be homogenized and quartered, by extracting at least two kilograms (2 kg) of product to compose the two (2) samples, consisting of one kilogram (1 kg) each, which will represent the cargo and be distributed as follows:

a) 01 sample intended for physical analysis of the product in order to qualify and quantify the presence of particles with unknown toxicity, moldy grains and dead insects or parts thereof, impurities and/or foreign matter;

b) 01 sample for analysis of particles with unknown toxicity, when necessary.

8.3.3 - the remaining quantity from the sampling, homogenization and quartering process will be replaced in the cargo or returned to the product owner.

8.3.4 - Criteria for sample taking from vehicles:

Product weight	Minimum number of points to be sampled	Distribution of sampling points (Figure – vehicle blueprint)
Up to 15 tons	5	
From 15 to 30 tons	8	
From 30 to 50 tons	11	

8.4 - Sampling in Moving Equipment or Moving Grains - loading, unloading or inter-silo transfer:

8.4.1 - Samples shall be collected with appropriate equipment, with at least four (4) collections on the conveyor belts and extracting at least two kilograms (2 kg) of product for each fraction of five hundred tons (500t) of the cargo to be sampled, at regular intervals of equal periods calculated according to the flow of each terminal.

8.4.2 - The two kilograms (2 kg) extracted from each 500-ton fraction shall be uniform, quartered and separated to compose the sample that will be analyzed at every five thousand tons (5000t) of the lot.

free translation

8.4.3 - At every five thousand tons (5000t), add the ten (10) partial samples that have been separated according to item 8.4.2, make them uniform and quarter at least three (3) times until ten kilograms (10 kg) of product are obtained to compose the five (5) samples consisting of one kilogram (1 kg) each, which represent the five thousand tons (5000t) analyzed and are distributed as follows:

a) 01 sample intended for physical analysis of the product in order to qualify and quantify the presence of particles with unknown toxicity, moldy grains and dead insects or parts thereof, impurities and/or foreign matter;

b) 01 sample for analysis of particles with unknown toxicity, when necessary;

c) 01 sample to be sent to the shipment or receiving terminal, as applicable;

d) 01 sample to be held by the exporter or owner of the product, as applicable;

e) 01 sample to be sent to the importer, as applicable.

8.4.4 - The analysis result shall be published in an appropriate document so as to allow auditing by the federal agricultural inspection office.

8.4.5 - In the case of sampling in handling equipment or grains in motion (loading, unloading or inter-silo transfer), the limits specified in item 5 of this Ruling shall be adopted for the weighted average of results of representative samples of each five thousand tons (5000 t) analyzed.

8.4.6 - The remaining quantity from the sampling, homogenization and quartering process will be replaced in the lot or returned to the product owner.

8.5 - Collection of samples in Silos and Bulk Warehouses: it will be conducted at the receiving or shipping system of the storage unit, according to the instructions for sampling in handling equipment.

8.6.Sampling in Conventional Warehouse - bagged product:

8.6.1 - The collection in the lot will be random in at least ten percent (10%) of bags, and shall cover all sides of the pile.

8.6.2 - The minimum amount collected will be thirty grams (30g) per bag, up to at least ten kilograms (10 kg) of the product, which shall be uniform, quartered and reduced by at least three kilograms (3 kg) to compose the three (3) samples, consisting of at least one kilogram (1 kg) each, which will be representative of the lot, as follows:

a) 01 sample intended for physical analysis of the product in order to qualify and quantify the presence of particles with unknown toxicity, moldy grains and dead insects or parts thereof, impurities and/or foreign matter;

b) 01 sample for analysis of particles with unknown toxicity, when necessary;

c) 01 sample will be kept by the warehouse.

8.6.3 - The remaining quantity from the sampling, homogenization and quartering process will be

Free translation

replaced in the lot or returned to the product owner.

8.7 - Packaged Product Sampling:

8.7.1 - A quantity of packages shall be removed totaling at least ten kilograms (10 kg), regardless of the lot size, since the packaged product is homogeneous.

8.7.2 - The extracted product shall be uniform, quartered and reduced by three kilograms (3 kg) to compose, at least, three (3) samples, consisting of one kilogram (1 kg) each, which will be representative of the lot and are distributed as follows:

a) 01 sample intended for physical analysis of the product in order to qualify and quantify the presence of particles with unknown toxicity, moldy grains and dead insects or parts thereof, impurities and/or foreign matter;

b) 01 sample for analysis of particles with unknown toxicity, when necessary;

c) 01 sample will be kept by the warehouse.

8.7.3 - The remaining quantity from the sampling, homogenization and quartering process will be replaced in the lot or returned to the product owner.

D.O.U., 06/11/2004

Free translation