

## SUBMISSION OF THE GOVERNMENT OF BRAZIL – ADDITIONAL ELEMENTS

QUESTION 1 - Brazil has not prohibited the import or export of mercury. Despite this, import and export control of this product is inspected, in accordance with the norms of the Convention of Minamata.

QUESTION 2 - Brazil does not prohibit the use of mercury in artisanal or small-scale mining (MAPE) by law; however, the use of mercury in the gold extraction activity can be made if authorized in the process of environmental licensing. Decree no. 97,507, of 1989, establishes that:

Art. 2: The use of mercury in the activity of gold extraction is forbidden, except in activities licensed by the competent environmental agency.

QUESTION 3 - Preliminarily, it should be noted that the use of mercury in gold extraction can be authorized in the process of environmental licensing. In any case, control of use of mercury in gold extraction can be divided into environmental monitoring and inspection actions.

Brazil has no have cinnabio mines. For this reason, the focus of monitoring is on the control of mercury imports, according to Protocol to the Minamata Convention, due to the need to provide information about its trade. In cases where the issuance request does not meet the requirements of the Convention, the import is denied.

In accordance with Law no. 9,605, of 1998, and its regulatory decree, no. 6,514, of 2008, the non-compliance with legal requirements related to import, trade, storage, use and disposal of mercury subjects the offender to a penalty of six months to four years in prison and a fine that varies from BRL 500.00 to BRL 2,000,000.00.

Pollution resulting from inappropriate use of mercury subjects individuals and legal entities to a penalty of six months to five years in prison and a fine that can vary from BRL 5,000.00 to BRL 50,000,000.00. Also according to this legal regulation, the absence registration as an importer or trader of mercury with the Federal Technical Registry of Potentially Polluting Activities, it is liable to a fine that ranges from BRL 50.00 to BRL 9,000.00. In its turn, the provision of false or missing information in official systems of control subjects the violator to a fine that varies between R\$ 1,500.00 to BRL 1,000,000.00.

In addition, the Brazilian Institute for the Environment and of Renewable Natural Resources (Ibama) can adopt the following precautionary measures: seizure of products and by-products subject to the infringement; embargo of work or activity and their respective areas; suspension sales or product manufacturing; partial suspension or total activities; destruction or destruction of products, by-products and instruments of infringement; and demolition.

There is also legal provision for the adoption of the following restrictive measures: suspension or cancellation of registration, license or authorization; loss or restriction of tax incentives and benefits; loss or suspension of participation in lines of financing in official credit institutions; and prohibition of contracting with the public administration.

QUESTION 4 - According to the IBAMA Normative Instruction no. 08, 2015, the importer must be registered in the Federal Technical Registry of Potentially Activities Polluting, inform the origin of mercury, the amount to be imported and use or application in Brazil. Before boarding, the public authority will verify this information and, only after its confirmation, the consent for the import will be granted.

QUESTION 5 - The sale of the mercury in the national market is monitored by the importer, by filling out a declaratory report.

QUESTION 6 - Mercury importers need be registered in the Federal Technical Registry of Potentially Polluting Activities and trade performed by them is stated in a specific report to Ibama. According to website information provided by the Brazilian Post Office and Telegraphs, the posting of toxic and infectious substances such as mercury is prohibited.

QUESTION 8 - Illegal mercury control is focused on two strategic lines of investigation: control of substance import and trade chains, and tactical field actions in illegal mining. Since 2018, Ibama has been intensifying the actions of inspection in the segment.

QUESTION 9 - The difficulty of control and inspection of Brazilian borders would be the main challenge faced by the country. Anyway, it is possible to detect the entry of smuggled mercury into Brazil from neighboring countries mainly through road inspection.

QUESTION 10 - Brazil has not signed regional or specific bilateral agreements to combat illegal movement mercury.

QUESTION 13 - Brazil ratified, as already informed, the Minamata Convention through Decree no. 9,470, of 2018. Inspection of the use of mercury by legal and illegal enterprise is a challenge and a key factor for the fulfillment of the obligations imposed by the Minamata Convention. To that end, strategies for managing trade and preventing the diversion of mercury and mercury compounds from national and foreign resources for use in illegal mining is sought.

QUESTION 14 - As a measure to combat smuggling and diversion of mercury for use in illegal gold mining, the following would be required:

- Strengthening of inspection actions between the national control agencies and the creation of a single data bank across agencies;
- Encouragement of training programs for federal servants, to improve the control tools and identification of illegalities; and
- Acquisition of technologies capable of detecting the presence of mercury, to be used in border surveillance.

QUESTION 19 - Law no. 6001, of 1973, provides for the Indian Statute and regulation of mineral exploration in indigenous territories. Since 2020, the Congress is processing Bill no. 191, which proposes changes and specific conditions for carrying out research and mining of mineral resources in indigenous lands.