

Memorandum of Intent between
the Executive Secretariat of the Foreign Trade Chamber of the Federative
Republic of Brazil, of the one part, and
the International Trade Administration of the United States Department of
Commerce, of the other part,
on Joint Cooperation on Regulatory Coherence and Meaningful Engagement with
the Private Sector

The Executive Secretariat of the Foreign Trade Chamber of the Federative Republic of Brazil, of the one part, and

the International Trade Administration of the United States Department of Commerce, of the other part,

(hereinafter referred to as “the Participants”),

Considering the mutual benefits created by greater economic and commercial cooperation between the Participants’ countries;

Recognizing the significance of trade facilitation for the promotion of trade between the Participants’ countries;

Recognizing that good regulatory practices and improved regulatory cooperation can contribute to competitiveness, especially for small and medium-sized enterprises (SMEs), and the economic well-being of both Brazil and the United States;

Reaffirming the importance of public private cooperation in order to advance the adoption by governments of good regulatory practices, including increased transparency in rule-making; and

Recognizing the importance of establishing mutual understandings on recent innovations in global regulatory policy-making, particularly affording early, meaningful and equal opportunities for all interested persons to participate in the development of regulations of general application,

Have reached the following understanding:

Section I

Informational Exchanges

1. The Participants, under the Working Group 1 – Trade Partnership established under the United States - Brazil Commercial Dialogue, intend to build on and strengthen their cooperation in the promotion of good regulatory practices,

including government-wide transparency, with a view to increasing mutual understanding of their respective systems and promoting bilateral commerce and investment.

2. The Participants understand transparency in issuing regulations to mean, *inter alia*, implementation of practices that normally afford all interested persons an equal opportunity to participate in the development of proposed regulations of general application. In addition, the Participants recognize other good regulatory practices, including transparency and evidence-based decision-making that *inter alia*: (i) serve clearly identified policy goals and are effective in achieving those goals; (ii) have a sound legal and empirical basis; (iii) take into consideration the distribution of a regulation's effects across society, taking economic, environmental, and social effects into account; (iv) minimize costs and market distortions; (v) promote innovation through market-based incentives and goal-based approaches; (vi) are clear, simple, and practical for users; (vii) are consistent with the Participant's other central government regulations and policies; (viii) are compatible as appropriate with domestic and international competition, trade, and investment principles; and (ix) are consistent with international obligations.
3. The Participants intend to cooperate and exchange experiences on ways to ensure that laws, regulations, procedures, and administrative rulings of general application are promptly published as to enable interested persons and the other Participant to become acquainted with them.
4. The Participants intend to conduct joint cooperative activities, such as roundtables and seminars, which may include, *inter alia*, exchanges on best practices regarding:
 - (a) publishing in advance in draft form any measure of general application that a Participant's central government proposes to adopt, including significant revisions or amendments;
 - (b) providing interested persons and the other Participant a reasonable opportunity to comment on such proposed measures;
 - (c) publishing, preferably by electronic means, the proposed regulation, including an explanation of the purpose of and rationale for the proposal, in a single official journal of national circulation;
 - (d) providing an adequate comment period (e.g., 60-days) to gain meaningful input from interested persons;
 - (e) addressing in the final regulation significant, substantive issues raised in comments received during the comment period and explaining substantive revisions made to the proposed regulation;

(f) for significant regulations, publishing along with the text of the draft regulation, an estimate of the potential costs and benefits of the proposed regulatory action, e. g., a regulatory impact assessment; in compliance with applicable laws and procedures; and

(g) establishing and operating a central executive body to review, coordinate, and plan the Participant's government's central-level regulations in compliance with applicable laws and procedures.

Section II

Results Presentation

Outcomes or developments as a result of activities conducted pursuant to this Memorandum of Intenⁱ (MoI) are expected to be presented at the United States – Brazil Commercial Dialogue meetings, without prejudice to being presented in other related fora.

Section III

General Clauses

1. This MoI comes into operation on the date of signature by the Participants. This MoI is intended to cover activities for a period of two years and for any subsequent period as the Participants may decide in writing.
2. The Participants acknowledge that this MoI is not legally binding and is not intended to give rise to any rights or obligations under either domestic or international law. This MoI does not apply to financial services. The Participants may modify this MoI at any time in writing.
3. Either Participant may, at any time, notify the other in writing of its intention to discontinue its activities pursuant to this MoI, but should endeavor to do so at least 90 days in advance of the discontinuation.
4. Each Participant intends to bear its own costs and expenditures incurred in connection with this MoI. The activities of each Participant in connection with this MoI are contingent on the availability of funds and other resources, and are subject to the laws and regulations that govern each Participant. No funds are obligated by this MoI.

5. The Participants should address any differences of opinion that may arise with respect to the MoI through consultation.

On behalf of the Executive Secretariat of
the Foreign Trade Chamber of the
Federative Republic of Brazil.

Momêti Garcia Snyffarth

Name

Secretária Executiva

Position

November 19, 2015

Date

On behalf of the International Trade
Administration of the United States
Department of Commerce.

[Signature]

Name

Deputy under Secretary

Position

November 19, 2015

Date