



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Brazil

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- **Questions to be answered by close of business Friday, 27 March are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

There is no specific coordination between state and non-state actors for combating of COVID19, although Federal Law # 13.979/20 requires all private legal entities, such as the Red Cross, to share essential data to identify individuals infected or suspected of being infected by COVID-19 with federal, state and municipal authorities, for the sole purpose to avoid the spread of the disease.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

There is no mention of the role of Red Cross (RC) or humanitarian actors.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

Yes. Brazil closed its borders, beginning on March 30, 2020 for 30 days, to individuals arriving by **air** who do not fall into one of the following categories: (i) Brazilian citizens, born or naturalized; (ii) Permanent residents of Brazil; (iii) Foreign professionals employed by a non-governmental aid organization recognized by the Brazilian government; (iv) Foreign officials accredited by the Brazilian government; (v) Spouse, domestic partner, son or daughter, father or mother, or caregiver of a Brazilian citizen; (vi) Any person whose entrance into Brazil is deemed by the government to be in the public interest; and (vii) Travelers in transit in one of the following categories: (a) Cargo delivery; (b) International passengers making a connection who do not leave the international transit area; (c) Passengers required to disembark for aircraft refueling or repairs; and (d) Flight crews¹.

The announcement does not prevent individuals from departing on commercial flights.

Brazil has closed all **land** borders as of March 19.

There are no entry restrictions for visitors arriving by sea.

¹ <https://br.usembassy.gov/health-alert-march-28-2020/> and <http://www.in.gov.br/web/dou/-/portaria-n-152-de-27-de-marco-de-2020-250060288>

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/ humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

Yes. Presidential Decree #10.282/20² deemed health assistance services, including medical and hospital services, to be essential services, which therefore must remain working.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

Yes. Presidential Decree #10.285/20³ exempted from import tax items such as ventilators, masks, face shields, hand sanitizer, disinfectants, and safety goggles. For legal facilities or exemptions related to personnel, please see question 3 (iii).

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

Yes. Please see question 4.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc)

In addition to the measures described in the answers to questions 3 and 4, the government has decreed that health professionals are to register with the Ministry of Health in order to create a national registry of healthcare workers that can be deployed around the country. Professionals in the following fields are encouraged to register if they are available to help work in stressed areas: social service; biology; biomedicine; PE; nursing; drugstore; physiotherapy and occupational therapy; speech therapy; medicine; veterinary Medicine; nutrition; dentistry; psychology; and radiology technicians.⁴

In addition, the Ministry of Health has assembled resources for health professionals in indigeneous communities in Brazil, including best practices recommendations, technical reports, clinical management protocols and more.⁵

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

Yes, exporters of the following products must now obtain a “special license” from the Foreign Trade Ministry prior to export⁶:

- products with 70% or higher ethyl alcohol volume (NCM Code 2207.20.19)
- nucleic acids and their salts (2934.99.34)
- household disinfectants (2808.94.19)
- hand sanitizer (3808.94.29)
- culture plates (Petri Dishes) (3821.00.00)
- diagnostic acids and reagents (3822.00.90)
- plastic protective clothing and accessories (3926.20.00)

² http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/decreto/D10282.htm

³ http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/decreto/D10285.htm

⁴ <https://www.saude.gov.br/noticias/agencia-saude/46646-cerca-de-5-milhoes-de-profissionais-de-saude-serao-cadastrados>

⁵ <https://www.saude.gov.br/noticias/agencia-saude/46710-ministerio-da-saude-lanca-medidas-para-prevenir-coronavirus-em-povos-indigenas>

⁶ <http://www.siscomex.gov.br/exportacao/exportacao-n-008-2020/>

- plastic protective gloves (3926.20.00)
- laboratory or pharmacy items (3926.90.40)
- plastic clips, for individual protective masks (3926.90.90)
- sterile single-use curtains for operating rooms (3926.90.90)
- surgical items (4015.11.00, 4015.19.00)
- textile materials (5601.22.99)
- protective clothing made of artificial fabric (6210.10.00)
- protective capes, coats ,and other items of laminated, plastic, or rubberized fabric (6210.20.00, 6210.30.00, 6210.40.00, 6210.50.00)
- first aid items such as instant cold compresses, single use face masks, textile gel pads, cotton sponges, gauze sponges (6304.90.90)
- hats and headgear of artificial fibers (6505.00.22)
- peripheral intravenous catheters (9018.39.24)
- intravenous items (9018.39.91)
- ventilation tubes (9018.39.99)
- blood transfusion and intravenous infusion devices (9018.90.10)
- devices for oxygen therapy (9019.20.10)
- resuscitation respirators (9019.20.30)
- automatic respirators (iron lungs) (9019.20.40)
- gas masks and other breathing appliances (9020.00.10, 9020.00.90)
- clinical thermometers (9025.11.10)
- automatic DNA sequencers by capillary electrophoresis (9027.20.21)

In addition, the Ministry of Health has declared that the export of *chloroquinine*, *hydroxychloroquinine*, *azithromycin*, *fentanyl*, *midazolam*, *ethosuximide*, *propofol*, *pancuronium*, *vancuronium*, *rocuronium*, *succinylcholine* and *ivermectin*, in any form will require prior export authorization.⁷

⁷ https://www.planalto.gov.br/ccivil_03/portaria/resolucao%20n%C2%BA%20352-anvisa.htm