

INTERNATIONAL CAPITAL AND FOREIGN EXCHANGE MARKET REGULATION

TITLE : 1 - Foreign Exchange Market

CHAPTER : 2 - Market agents

1. Authorizations for the performance of operations in the foreign exchange market may be granted by the Central Bank of Brazil to multiple banks, commercial banks, savings banks, investment banks, development banks, foreign exchange banks, development agencies, credit, financing and investment societies, securities and stocks brokerage societies, securities and stocks dealers societies and foreign exchange brokerage societies.
 2. A specific chapter of this title foresees the utilization of international use cards, as well as the carrying out of international postal financial transfers, including postal voucher and international postal refund.
 3. Agents of the foreign exchange market may perform the following operations:
 - a) banks, except development banks, and savings banks: all operations mentioned in this Regulation;
 - b) development banks, credit, financing and investment societies and development agencies: specific operations authorized by the Central Bank of Brazil;
 - c) securities and stocks brokerage societies, securities and stocks dealers societies and foreign exchange brokerage societies:
 - I - (Revoked) Circular no. 3575/2012
 - II - (Revoked) Circular no. 3575/2012;
 - III - foreign exchange operations contracted for prompt settlement up to the limit of US\$100,000.00 (one hundred thousand United States dollars) or its equivalent value in other currencies;
 - IV - (Revoked) Circular no. 3390/2008; and
 - V - interbank market operations contracted for prompt settlement, arbitrage operations in Brazil and, through a bank authorized to operate in the foreign exchange market, arbitrage operations with other countries;
 - d) tourism agencies: purchases and sales of foreign currency in cash, checks and travelers checks related to international travels, observing the provisions of paragraph 5.A of this chapter;
 - e) (Revoked) Circular no. 3575/2012.
 - 3-A. It is optional the foreign exchange operation on installments of payments or receipts provided for in disbursement schedule regarding business whose total value exceeds the said limit, when observed in each installment, the limit referred in item 3, "c", III, (NR)
 4. To be authorized to operate in foreign exchange, the financial institution shall:
 - a) (Revoked) Circular no. 3390/2008
 - b) indicate the director responsible for operations performed in the foreign exchange market.
 - c) present project, according to Central Bank of Brazil stipulation, designating at least the basic operational objectives and actions developed to assure compliance with foreign exchange regulation and to prevent and restrain money laundering crimes as defined by Law no. 9613, of March 03, 1998.
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5. (Revoked) Circular no. 3575/2012
- 5-A. The authorizations to operate in the foreign exchange market of the tourism agencies and tourism lodging facilities will expire in December 31, 2009, observing that if a specific authorization request is presented by the final controllers of tourism agencies and tourism lodging facilities to the Central Bank of Brazil up to November 30, 2009, duly supported by the documents of paragraphs 1 to 7:10 to 18 of Annex VII of Circular no. 3179 of February 26, 2003, aiming at the establishment and operation of the institution of the National Financial System capable of operating in the foreign exchange market, the period of validity of the authorization currently held to operate in the foreign exchange market shall observe the following provisions, without prejudice to later compliance with other instruction requirements for the conduct of proceedings, according to current regulation:
- a) if the request is granted, the authorization granted to the travel agency or to the tourism hosting facility will expire concurrently with the start date of the activities of the new authorized institution, respecting the deadline set in the business plan, and
 - b) in case of filing or rejection of the application, the authorization granted to the travel agency or to the tourism hosting facility will lose validity thirty (30) days after the decision of the Central Bank of Brazil. (NR)
- 5-B. Permits to operate in the Foreign Exchange market held by other travel agencies and the tourist lodging facilities expired on December 31, 2009
6. Regarding authorizations to operate in the foreign exchange market, the Central Bank of Brazil may, reasonably:
- a) revoke on a temporary basis such authorization for reasons of convenience and opportunity;
 - b) terminate the authorization in case of irregular action evidenced in administrative proceeding, or provisionally suspend the authorization under applicable legislation;
 - c) cancel the authorization for the reason that the institution has failed to perform a foreign exchange operation over a period of eighty days.
7. The financial institutions and other institutions authorized to operate by the Central Bank of Brazil, authorized to operate in the foreign exchange market, can open a permanent or provisional post for the undertaking of foreign exchange operations, after carrying out its registration in the Information System on Entities Related to the Central Bank (Unicad) up to the day prior to the date of start of their operations.
8. To the effects of the registration mentioned in paragraph 7 it is considered a post of foreign exchange a place used to conduct foreign exchange operations located outside of any of the dependencies of the institution.
- 8-A. The institutions referred to in paragraph 1, when authorized to operate in the foreign exchange market, may contract, in the ways provided in article 9 of Resolution no. 3954, of February 24, 2011, companies, entrepreneurs, associations defined in Law No. 10.406, of 10.01.2002 (Civil Code), providers of notary and registration services dealt with Law No. 8935 of 18.11.1994, and public companies. (NR)
- a) (Revoked) Circular no. 3607/2012
 - b) (Revoked) Circular no. 3607/2012
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9. (Revoked) Circular no. 3390/2008
10. The contracting institution mentioned in item 8.A must follow Resolution no. 3954, of February 24, 2011, where applicable, and must have full and unrestricted access to the documentation related to identification of the clients and the operations conducted by the hired company. (NR)
- 10-A. The identification data of the contracted companies must be registered with Unicad prior to undertaking of the transactions foreseen in item 8-A.
- 10-B. The contracting institution must transmit, via internet, to Central Bank of Brazil by the 10th day of each month (following instructions found on the site www.bcb.gov.br, Sisbacen menu, option "Transferência de arquivos"), the list of deals performed in the previous month with intermediation of the hired company as established in paragraph 8-A, indicating their classification either as an international travel or a current transfer operation, as well as the client's identification (name and CNPJ/CPF number, or, in case of foreigners, name and passport number or any other document foreseen in the regulation which supported his entry in Brazil), the traded currency, the foreign exchange rate, the traded value in domestic and foreign currencies, the Total Effective Value (VET), the country and the beneficiary or sender abroad. A file informing the inexistence of operations must be transmitted, within the same delay, also when no occurrences take place in a month, or as otherwise defined by Central Bank/Desig. Layout and making instructions for file transmission to Central Bank are available at Central Bank site "[www.bcb.gov.br/menu/cambio e capitais estrangeiros / Sistemas / Transferências de arquivos](http://www.bcb.gov.br/menu/cambio_e_capitais_estrangeiros/Sistemas/Transferencias_de_arquivos)". (NR)
- 10-C. The institution authorized to operate in the foreign exchange market may use the same monthly transmission procedure regarding current transfer and international travel operations directly conducted with its clients.
- 10-D. In respect of the foreign exchange operations performed according to the mentioned procedure, either directly by the contracting institution or by the hired institution:
- a) the operations are limited to US\$3,000.00 (three thousand United States dollars) or its equivalent in other currencies;
 - b) (b)it is mandatory to give the client corroboration of every deal performed including the identification of the parts, the foreign currency, the foreign exchange rate, the value in domestic and foreign currencies, and the Total Effective Value (VET);
 - c) the foreign exchange position of the contracting institution is modified daily based on the records of the consolidated amount of purchase and sale of foreign currency operations (operations performed directly by the contracting institution and by group of hired companies) for each foreign currency, the contracting institution figures in as both buyer and seller, with a specific operation nature code, given that the clearance of these transactions occur in an automatic way. (NR)
- 10-E. In case of the monthly transmission procedure of data regarding transactions performed through banknotes disperser machines, the internet transmission to Central Bank of Brazil shall be done by the 10th day of each month (following instructions found on the site [www.bcb.gov.br / Câmbio e Capitais Internacionais menu / Sistemas / Transferência de arquivos](http://www.bcb.gov.br/Cambio_e_Capitais_Internacionais)).
11. (Revoked) Circular no. 3390/2008
12. (Revoked) Circular no. 3390/2008
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13. The tourism agencies still authorized to operate in the foreign exchange market by the Central Bank of Brazil that choose to perform its operations by means of the agreement referred to in paragraph 8-A must, previously:
- a) sell the foreign exchange balance recorded with Sisbacen to a financial institution authorized to operate in the foreign exchange market; and
 - b) request Central Bank of Brazil to revoke its authorization.