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INSURANCE AND OPEN SUPPLEMENTARY SOCIAL SECURITY

1) PRIVATE INSURANCE SUPERINTENDENCE - SUSEP STATEMENT No. 206, OF 4/12/2018

Approves [SUSEP Regulation Plan](#) for 2018.

According to the [Statement](#), the actions provided in the Regulation Plan for 2017 and not yet performed are included in the Plan for 2018.

The Statement revokes SUSEP Statements no. 184/2016 and no. 199/2017.

In general, the Plan is very good, with elements that may effectively mean an advancement of the Brazilian regulatory environment.

Among the measures provided in the regulation plan are:

- establishment of new rules for the adoption of an action plan within the ambit of the prudential supervision, which is expected to make the replacement of penalties for action plans viable, as it happened in the past with the internal control rules.
- the institution of administrative sanction proceedings - PAS is not necessary, under the regulation in paragraph 4 –A of art. 2 of Resolution 243, a rule that, perhaps because of the lack of legal certainty, has not been properly applied by SUSEP;
- reevaluation of the compulsory alternation of audit firms and possible maintenance of alternation of the technical teams only.

- less bureaucracy to forward the contractual conditions of the insurance plans due to the amendments to SUSEP Circulars no. 256 and 265/2004; and
- establishment of guidelines on the acceptance of risks from abroad by the local reinsurers, a matter that has been discussed in the Commission for Development of the Reinsurance Market, set up by SUSEP; our partner João Marcelo dos Santos serves on that commission.

2) PRECEDENT No. 609 OF THE SUPERIOR COURT OF JUSTICE - STJ

The 2nd Section of the STJ approved the Precedent no. 609 set by the Court on circumstance of unlawfulness in the denial of insurance coverage:

“The denial of insurance coverage under the allegation of pre-existing disease is unlawfulness if

tests were not required before the execution of the contract or if the insured’s bad faith is evidenced.”

The Precedent is quite bad.

First, because it does not allow the exclusion derived from pre-existing disease, which would be perfectly possible (see article published by João Marcelo dos Santos and Ana Paula Costa, partner and attorney in Santos Bevilaqua Advogados).

Second, because it reinforces the mistaken understanding that a mere provision of false information by the applicant is not enough for the coverage contracted to be denied.

3) INTER-MINISTRY MANAGEMENT COMMITTEE OF THE RURAL INSURANCE - CGSR RESOLUTION No. 062, OF 3/15/2018

Amends Resolution no. 21, of April 9, 2009, which sets the criteria and procedures for information on losses

in rural insurance transactions benefiting from the Subsidy Program for the Rural Insurance Premium.

4) MINUTES OF THE MEETING OF THE SPECIAL DPVAT COMMISSION

The minutes of the Special DPVAT Commission were published (DPVAT - Compulsory Insurance against Personal Injury caused by Land Vehicles).

The Commission has been discussing this matter in a broad manner and sometimes it fails to consider adequately the experiences and problems that resulted in the construction of the current model of the Consortium of which Seguradora Líder is the leader.

The minutes of the first meeting are available [here](#) and of the second, [here](#).

5) MINISTRY OF FINANCE - MF ADMINISTRATIVE RULE No. 213, OF 4/20/2018

Amends the addendum to MF Administrative Rule no. 38, of February 10, 2016, which approves the Internal Regulation of the Appeals Board of the Brazilian Private Security, Open Private Social Security and Capitalization System [*Conselho de Recursos do Sistema Nacional de Seguros Privados, de Previdência Privada Aberta e de Capitalização - CRSNSP*].

Among other measures, the [Administrative Rule](#) provides for the formation of the Board and the attributions and authorities of the Chair, the Board members in general, the Prosecutor of the Ministry of Finance serving on the Board, etc.

The new Administrative Rule also sets the terms to be fulfilled within the ambit of the CRSNSP and lays down rules for the course of the proceedings. In this regard, it establishes the priority of proceedings (i) in which the party is a person of 60 years of age or more, a

person with physical or mental disability, and a person suffering from a serious disease, upon the interested party's request and proof of the condition; (ii) indicated by the Chair in a grounded decision; (iii) indicated by the director of the appellee agency or entity in a justified request, upon the consent of the CRSNSP Chair; and (iv) where a penalty of registration cancellation, disqualification or any type of impediment to or prohibition against the exercise of the office is applied.

According to the Ministry of Finance, these changes are intended to expedite the development of the appeals filed with the Board to ensure SUSEP's effective supervision and to protect the parties' right to a reasonable duration of proceeding.

6) BRAZILIAN INSTITUTE OF INDEPENDENT AUDITORS - IBRACON – TECHNICAL COMMUNICATION No. 1/2018

On April 23, Ibracon issued [Technical Communication no. 01/2018](#) about the application of previously agreed procedures for the entities supervised by SUSEP to meet the risk questionnaire requirements.

7) BRAZILIAN ACCOUNTING STANDARD - CTSC 004, OF 4/20/2018

The full bench of the Federal Accounting Council approved NBC CTSC 004/2018, which is based on the Technical Communication 01/2018 of Ibracon.

The Council issued the Communication CTSC 04 to guide the independent auditors as to the application of previously agreed procedures for the entities

supervised by SUSEP to meet the risk questionnaire requirements; the Communication may be accessed [here](#)

8) SUSEP CIRCULAR No. 568, of 4/26/2018

[Amends](#) SUSEP Circular no. 517/2015, specifically the part related to the “Criteria for the Use of Risk Reduced Factors in the Calculation of Risk Capital,” including pars. 2, 3, 4, and 5 of article 91-G of that rule.

FINANCIAL MARKET, CAPITAL MARKET AND OTHERS

1) NATIONAL MONETARY COUNCIL - CMN RESOLUTION No. 4647, OF 3/28/2018

Amends Resolution no. 4598/2017, which provides for the issuance of *Secured Real Estate Credit Bonds* [*Letras Imobiliárias Garantidas - LIGs*].

This [new rule](#) includes, among the requirements for the function of trustee, the nonexistence of restrictions that may affect the reputation of the controllers.

The rule also includes a new event of “compulsory” cancellation of the Brazilian Central Bank’s authorization to real estate credit securitization companies to be trustees. “*Lack of activities as*

trustee, without justification, for a period exceeding eighteen months.”

2) NATIONAL MONETARY COUNCIL - CMN RESOLUTION No. 4,648, OF 3/28/2018

Provides for receipt of payment in cash of bank-issued invoices.

The Resolution prohibits, from May 28, 2018, the financial institutions from receiving payment in cash for bank-issued invoices corresponding to an amount equal to or above R\$ 10,000.00.

These institutions may also refuse payment in cash of bank-issued invoices corresponding to less than R\$ 10,000.00 in cases of indication of an attempt to avoid that prohibition.

According to the rule, the financial institutions must inform their clients and users on the prohibition at least ten business days in advance to the date mentioned above.

3) NATIONAL MONETARY COUNCIL - CMN RESOLUTION No. 4649, OF 3/28/2018

Provides for services provision by financial institutions to payment institutions and other institutions authorized by the Brazilian Central Bank to operate.

The rule prohibits the commercial banks, the multiple banks with a commercial portfolio, and the savings banks from limiting and barring the access to certain products and services by the payment institutions and other institutions authorized by the Brazilian Central Bank to operate.

In the case of debts authorized by the holder of a deposit account or payment account, the authorizations must meet specific requirements indicated in the rule.

In the event of refusal or discontinuation of the services provision, the institution will make the documentation and respective justifications, based on legal and regulatory provisions, available to the Brazilian Central Bank for a period of five years, and the Central Bank may adopt measures and impose operating requirements for the compliance with the Resolution.

4) BRAZILIAN CENTRAL BANK - BACEN CIRCULAR No. 3889, OF 3/28/2018

Amends Circular no. 3461, of July 24, 2009, which consolidates the rules on the procedures to be adopted to prevent and combat activities related to the crimes provided in Law no. 9613, of March 3, 1998.

According to this [new rule](#), the financial institutions will keep a specific record of receipt of payment in cash for bank-issued invoices.

Any institution that receives payment for an invoice not issued by it must inform the issuer institution that the invoice was paid in cash. (NR)

The measures indicated above will be implemented until March 11, 2019.

5) NATIONAL MONETARY COUNCIL - CMN RESOLUTION No. 4652, OF 4/26/2018

[Defines](#) the minimum requirements for the rural insurance contract as a replacement for the classification into the Farming Security Program (Proagro) and amends the rule that prevents the producer benefiting from the Price Guarantee Program for Family Agriculture (PGPAF) from receiving the Proagro indemnity.

6) CMN RESOLUTION No. 4653, OF 4/26/2018

Amends Resolution no. 4222, of May 23, 2013, adjusting the regular contribution, establishing the additional contribution, and changing the bylaws and regulation of the Credit Guarantee Fund (FGC), which adjust the size target of the fund equity, create the accounting reserve to fund the transactions with the designated financial institutions and change the rules on their governance.

Among other changes, the new [rule](#) changes the regular monthly contribution of the institutions associated with the FGC from 0.0125%% to 0.01%% of the amount of the balances of the accounts related to the instruments listed in article 2 of the FGC regulation, even in the cases the corresponding credits are not covered by the regular security.

The new rule also adds article 2-A to Resolution 4222/2013, according to which the “*regular monthly contribution will be increased by the additional contribution where the Reference Value is higher than four times the Adjusted Net Worth and higher than 75% of the Reference Fund Raising of the associated institution, assessed in the previous month.*”

7) CMN RESOLUTION No. 4654, OF 4/26/2018

Amends Resolution no. 4598/2017, of August 29, 2017, which provides for the issuance of Secured Real Estate Credit Bonds [*Letras Imobiliárias Garantidas - LIGs*].

The new [rule](#) adds article 47-A to Resolution no. 4598/2017, to establish some measures necessary to transfer the management of the portfolio of assets of

the LIG issuer institution from the liquidator or bankruptcy trustee to the trustee.

The established measures include:

- the actions within its scope necessary to execute the Plan for Transition of the Management of the Portfolio of Assets;
- notifications, communications, calls and other notices, including, where applicable, through the website of the institution, to the trustee, the depositary and recording entities, the LIG investors, the parties of real estate transactions of the portfolio of assets, and the other interested parties regarding the decree of special regime and its effects on the LIGs issued and the respective portfolio of assets;
- information on the institution’s website on the channels for contact with the trustee for the LIG investors and the parties of the real estate credit transactions of the portfolio of assets to send questions and requests.
- availability of books, documents, registers, accounting and operating controls, accounts and other information and values related to the LIGs and the assets of the portfolio to the trustee;
- grant of powers of attorney to the trustee, if necessary for the performance of its duties; and
- all other acts required for the trustee to effectively control the assets of the portfolio.

8) CMN RESOLUTION No. 4655, OF 4/26/2018

Provides for charges for delayed payment and performance of obligations related to invoices of credit cards and other postpaid bills.

According to the [Resolution](#), the institutions may impose charges related only to (i) interest per each day of delay accrued on installments due or non-settled debit balance, subject to the specific rules set in the rule, (ii) fine, (iii) interest for late payment, and (iv) interest provided in article 395 of the Civil Code, related to the debtor's default, and it expressly prohibits any other charges.

The contract executed with the client must establish how the charges will be collected and the respective rates must be informed in the statement or the payment invoice which will be regularly made available to the client. Also, the contracts must contain all information necessary for the understanding of the new rule established in the Resolution.

The institutions must also consider credit limits compatible with the clients' profile to grant credit associated with the credit card and other postpaid bills, and the definition or any change of the rate of the

minimum monthly payment of the invoice must be informed to the client at least thirty days in advance

The Resolution will take effect on June 1, 2018.

9) MINISTRY OF FINANCE/BRAZILIAN SECURITIES COMMISSION - MF/CVM JOINT ADMINISTRATIVE RULE No. 092, OF 3/21/2018

Creates the Work Group of the Ministry of Finance and the Brazilian Securities Commission composed of four employees of each of the Ministry and the Commission to study and propose measures to improve the mechanisms for protection of investors and minority shareholders.

The Group will deliver the President of the Brazilian Securities Commission and the Minister of Finance a report detailing the diagnosis and the recommended measures to improve the mechanisms for protection of investors and minority shareholders.

The period for the completion of the works will be one hundred and eighty days, and it may be extended automatically for another one hundred and eighty days, in the event the report is not completed within the first period.

10) LAW No. 13654, OF 4/23/2018

Among the changes introduced, this [law](#) establishes a penalty of 4- to 10-year imprisonment and fine for crime of aggravated theft (i) committed with the use of explosives or similar devices causing common danger or (ii) crime of theft of explosive substances or accessories that, jointly or separately, allow to manufacture, assemble or use explosives.

In the case of theft of explosive substances or accessories, the basic penalty may be increased by 1/3 to 2/3, and reach 30 years, depending on the circumstances and consequences of the crime.

The new law also amends Law no. 7102/1983 and requires the institutions to install in the ATMs an equipment to destroy paper money deposited in the ATMs in case of burglary, abrupt displacement or high temperature.

In this case, the institution must — under some of the penalties provided in article 7 of Law no. 7102/1983 – affix a clearly visible warning plate to the ATM and to its entrance informing on the equipment and how it operates.

11) LAW No. 13655, OF APRIL 25, 2018

[Law 13655/2018](#), published on April 26, includes new provisions in the Law of Introduction to the Rules of the Brazilian Law - LINDB.

Among other rules, according to said provisions, within the administrative, controlling and judicial spheres, no decision will be rendered based on abstract legal values without considering the practical effects of the decision, and all decisions will also expressly indicate its legal and administrative consequences.

The rule admits the possibility of the interested parties and the government executing a commitment to eliminate unlawfulness, legal uncertainty and disputes arising from the application of the public law, also in case of issuance of license.

It should be noted two particularly relevant provisions of the new law: those that include in the LINDB article 28, according to which “*the public agent will be personally liable for its decisions or expert opinions in case of intent or gross error*”, and article 29, which provides for the possibility of a previous public inquiry for an administrative authority to enact normative acts, except for internal organization acts.

Such rule may cause a relevant impact on the application of penalties within the ambit of administrative proceedings of entities such as SUSEP, the Brazilian Central Bank, the Brazilian Securities Commission - CVM, the National Agency of Supplementary Health - ANS, and the National Supplementary Social Security Superintendence – PREVIC.

12) CMN RESOLUTIONS No. 4656 AND 4657/2018

It was recently reported that the National Monetary Council presented two resolutions regulating the operation of the so-called “*credit fintechs*”, which will have two options: a) to operate as a Direct Credit Company [*Sociedade de Crédito Direto - SCD*], carrying out credit transactions through an electronic

platform, with its own funds; or b) to operate as an Interpersonal Loan Company [*Sociedade de Empréstimo entre Pessoas - SEP*], carrying out credit transactions between peers, known as P2P (peer to peer).

The SCD may grant portfolio credits to financial institutions or Funds of Investment in Credit Rights [*Fundos de Investimento em Direitos Creditórios - FIDC*]. The restriction is that the credit must be assigned to qualified investors.

The SEP, in turn, carries out transactions between peers, the so-called P2P. In the case of a transaction between individuals, the limit amount is R\$ 15,000.00 per creditor. The investor is allowed to perform several transactions of up to R\$ R\$ 15,000.00, provided that with different companies. A SEP cannot operate with its own funds. It merely connects the investor and the borrower.

The two types of *fintechs* must fulfill proportional operating and prudential requirements, compatible with their size and profile. For example, those that have a simple risk profile may opt for classification in segment S5 for the purposes of application of the prudential rules. In this way, the institutions in this segment may have exposure to securitization bonds – provided that they are low-risk bonds – and may perform activities related to custody and bookkeeping of credit bonds originated by the institution itself.

The companies may also provide associated services, such as credit analysis, collection, insurance representation, and issuance of digital money.

The new rules apply immediately, in order for the interested companies to be able to apply for authorization.

The enactment of these rules, which will demand the expansion of the supervision structure of the Brazilian Central Bank, shows that the Bank is willing to stimulate the competition in the credit market.

13) BRAZILIAN SECURITIES COMMISSION - CVM INSTRUCTION No. 597, OF 4/26/2018

Amends CVM Instruction No. 558/2015, with provides for the professional management of securities portfolio.

According to this new [rule](#), the directors responsible for the management of securities portfolio, the implementation and compliance with rules, policies and internal controls, and the Instruction, the risk management, and the distribution of units of investment funds may perform these same functions

in controlling, controlled, associate companies and companies under common control.

On the other hand, those directors, as well as the portfolio managers/individuals cannot obtain or keep their registration as an autonomous investment agent.

Also, art. 7-A was added to CVM Instruction no. 558/2015, and according to it *“the CVM may execute a technical cooperation agreement to support the examination of the registration applications addressed in art. 6 with entities that, at the Agency’s discretion, prove that they have material condition and adequate facilities for such purpose, as well as prior experience and renowned technical and operating capacity to perform such activity or an activity of similar nature.”*

14) CMN RESOLUTION No. 4658, OF 4/26/2018

[Provides for](#) the cybernetic security policy and the requirements for agreements on data processing and storage and cloud computing that the financial institutions and other institutions authorized by the Brazilian Central Bank to operate must meet.

15) CMN RESOLUTION No. 4659, OF 4/26/2018

Provides for the prudential requirements applicable to credit cooperatives that raise funds from the Municipalities, their bodies or entities, and companies controlled by the Municipalities, and for the calculations of the security given by the guarantee funds addressed in art. 12, item IV, of Supplementary Law no. 130, of April 17, 2009.

According to the [Resolution](#), only credit cooperatives classified as full or classic, according to Resolution no. 4434, of August 5, 2015, may raise funds from the Municipalities and may raise them through demand deposits or time deposits without issuance of certificate.

Fund raising from a Municipality by a credit cooperative is contingent upon (i) approval by the meeting of its members, and (ii) fulfillment of the minimum capital requirements and regulatory limits.

The rule prohibits the credit cooperatives from raising funds from Municipalities whose mayor, vice mayor, or secretary is an officer of the cooperative or a member of its board of directors.

It also establishes that the credit cooperatives that had begun the fund raising from Municipalities before the effectiveness of the Resolution must fulfill the requirements within thirty days, in regard to article 5, item I (approval by the meeting), and within ninety days in regard to the other requirements set in the Resolution.

CLOSED SUPPLEMENTARY SOCIAL SECURITY

1) NEW RESOLUTIONS ISSUED BY THE NATIONAL COUNCIL FOR SUPPLEMENTARY SOCIAL SECURITY

The National Council for Supplementary Social Security- CNPC published recently four new resolutions:

- [CNPC Resolution no. 25/2017](#), which provides for the transfer of management of benefit plans between closed supplementary social security entities. The rule consolidates procedures that have already been adopted, but it introduces some innovations, among which, we cite the following: (i) the transfer initiative is a prerogative of the sponsor; (ii) the participants in the plan that will be transferred must be notified of the transfer by the entity of origin; (iii) the transfer plan must be prepared by the entities involved and the sponsor; (iv) the

financial assets must be transferred to the entity of destination at their book value. Other information on the provisions of the CNPC Resolution no. 25/2018 may be found in our [Newsletter of March 2018](#).

- [CNPC Resolution no. 26/2017](#), which provides for the adoption of remote transactions by the closed supplementary social security entities. The Resolution defines “remote transaction” as “any remote transaction involving a digital platform that requires an express statement from the target public to an EFPC.” Although many entities already carry out this type of transaction, only now it was regulated. Upon the enactment, the entities may offer via apps on websites and in mobile devices, services such as adhesion to plans, changes in conditions provided in the regulation (contribution rate, extraordinary contribution, form of the benefit payment), portability and cancellation of the plan. Other information on the provisions of the CNPC Resolution no. 26/2018 may be found in the [article](#) published by Consultant João Marcelo Carvalho.
- [CNPC Resolution no. 27/2017](#), which provides for the independent audit procedures at the closed supplementary social security entities. According to Previc, these measures are intended to expand the scope of the

supervision and to make the accounting information more reliable. Other information on the provisions of the CNPC Resolution no. 27/2018 may be found in the [article](#) published by Consultant João Marcelo Carvalho.

- [CNPC Resolution no. 28/2017](#), which amends CNPC Resolution no. 08/2017 and introduces new rules for the organization and allocation/use of the Administrative Funds of the closed supplementary social security entities. In a note, Previc explained that the Fund is a reserve composed of the difference between the funding and the administrative expenses, to cover administrative costs. The rule regulates the so-called Administrative Management Plan - PGA per Entity. Other information on the provisions of the CNPC Resolution no. 28/2018 may be found in the [article](#) published by Consultant João Marcelo Carvalho.

The resolutions were approved at the two latest meetings of the entity, held on September 13 and December 6, 2017, but were published in the Federal Official Journal only on April 3, 2018.

2) CIRCULAR LETTER No. 3/2018/NATIONAL SUPPLEMENTARY SOCIAL SECURITY SUPERINTENDENCE – PREVIC.

Previc sent the Directors of the Closed Supplementary Social Security Entities the Circular Letter, dated April 3, 2018, on the implementation of the validation rules in STA-Previc, related to the sending of files of investment funds in the XML format, version 5.0, in compliance with article 10 of MPS/PREVIC Instruction no. 02, of May 18, 2010. The text of the Circular Letter may be accessed [here](#).

3) ADMINISTRATIVE RULE No. 294, OF 4/9/2018

Contains the list of managers qualified by the Licensing Board - DILIC of the National Supplementary Social Security Superintendence – Previc, in the period between March 1 and 31, 2018,

as provided in art. 11, item II, of Instruction no. 6, of May 29, 2017.

The list of qualified managers may be accessed [here](#).

4) SOCIAL SECURITY DEPARTMENT/MINISTRY OF FINANCE - SPREV/MF ADMINISTRATIVE RULE No. 013, OF 4/11/2018

The Social Security Department of the Ministry of Finance called a Public Hearing to obtain subsidies for the study of the Supplementary Social Security Regime [*Regime de Previdência Complementar - RPC*], in the segment of the Closed Supplementary Social Security Entities [*Entidades Fechadas de Previdência Complementar - EFPCs*], to formulate public policies for the improvement and sustainability of the Regime, considering the new forms of

employment relationships, the new profile of the workers, and their expectations for the future.

The purpose is to provide grounds for the studies into of a new model of the RPC, comprising all its characteristic aspects, such as a) legal organization of the RPC; b) strengthening of the civil social security contract; c) forms of plan offer by legal entities to workers; d) forms of access to the plans by individuals; e) incentives to long-term savings; and f) asset independence, impossibility to levy execution upon the asset, and appropriation of the asset.

The public hearing was held on May 4, in Brasília.

5) NATIONAL COUNCIL FOR SUPPLEMENTARY SOCIAL SECURITY - CNPC APPROVES THE CONSOLIDATION OF ACCOUNTING RESOLUTIONS

The CNPC approved on 4/13/2018 a resolution that consolidates all rules on the accounting of the pension funds.

Previously, this information was spread all over three CNPC resolutions, making it difficult to transmit the accounting records of the EFPCs to Previc.

According to the Social Security Secretary Marcelo Caetano, who presided over the meeting, *“in addition to consolidating this information in one single rule, the resolution expedited the process and made it more effective.”* He explained that the Resolution also consolidates the segregation of the responsibility for the ruling on the accounting of the entities, and now the CNPC is responsible for the conceptual part of the general rules and Previc, for the operating ruling part.

The text will be sent to the Office of the Counsel to the National Treasury for analysis, and only after that, it will be published.

6) PREVIC UPDATES THE STRATEGIC ACTION PLAN AND LAUNCHES NEW MARK.

Previc updated its [Strategic Action Plan](#), defining the main actions of the Agency for the 2018-2019 period. The actions are divided into four pillars: Regulation, Prudential Supervision, Institutional Relationship, and Corporate Management. The Strategic Map and the strategic, global, and intermediate goals to measure the institutional performance were also updated.

In regard to the previous Action Plan, the main changes were the removal of strategic projects already completed and the inclusion of new actions, such as: (i) intensify preventive actions related to the National Strategy to Combat Corruption and Money

Laundering/Financial Action Group against Money Laundering and Terrorism Financing - ENCCLA/GAFI;

The Agency also launched its new mark. The image refers to the concept of protection associated with Previc's mission, which is to ensure the strength and reliability of the closed supplementary social security system. The mark was chosen among four other proposed marks by internal voting, with the intense participation of the employees of the Agency.

7) PREVIC ADMINISTRATIVE RULE No. 363, OF 4/26/2018

Defines the parameter interest rate addressed in article 5 of Previc Instruction no. 19, of February 4, 2015.

HEALTH

1) NATIONAL AGENCY OF SUPPLEMENTARY HEALTH - ANS PUBLIC HEARING - CORPORATE GOVERNANCE PRACTICES OF HEALTH CARE PLAN COMPANIES

The ANS will hold a public hearing to receive suggestions and contributions from the society on the development of good governance practices for the adoption of risk-based capital models by the health care plan companies. The hearing will be held on May 4, from 2 PM to 6 PM, at ANCINE auditorium.

Contributions related to three points are expected: (i) governance aspects to be required by ANS (with focus on internal controls and risk management); (ii) forms to confirm the compliance with the rules (inspection on site by ANS, independent audit or through a

certification from an entity accredited by INMETRO); and (iii) implementation schedule.

Those interested in attending the public hearing may subscribe previously via e-mail to eventos@ans.gov.br, with the subject: “Audiência pública, governança corporativa para capital baseado em risco na saúde suplementar”.

TAX

1) SUPPLEMENTARY LAW No. 162, OF 4/6/2018

Institutes the Special Program for Tax Compliance of Micro and Small-Size Companies opting for the Simples Nacional (Pert-SN).

2) FEDERAL REVENUE OFFICE -RFB NORMATIVE INSTRUCTION No. 1803, OF 4/6/2018

Amends RFB Normative Instruction no. 1277, of June 28, 2012, which establishes the obligation to inform on transactions between parties resident or domiciled in Brazil and parties resident or domiciled abroad, involving services, intangible assets and other

transactions producing variations of the equity of individuals, legal entities or entities without legal personality.

The [new rule](#) adds par. 5 to article 4 of Normative Instruction 1277/2012, establishing that, for the purposes of the provisions in item III of the head provision of said article, the value of the commercial or financial transactions corresponds to: (i) the value of the transaction subject to registration in the Siscoserv (Integrated System of Foreign Trade of Services, Intangible Assets and Other Transactions that Produce Variations in the Equity) to which the inaccurate, incomplete or omitted information is connected; or (ii) the sum of the values of the transactions to which the inaccurate, incomplete or omitted information refers, in the case of information common to different transactions subject to registration in the Siscoserv and that form a set of data that characterize a service provision, a transfer or an acquisition of intangible assets or a transaction producing variation of equity.

3) LAW No. 13606, OF 1/9/2018

[Institutes](#) the Rural Tax Compliance Program [*Programa de Regularização Tributária Rural - PRR*] at the Federal Revenue Office and the Office of the General Counsel for the National Treasury; amends Laws no. 8212, of July 24, 1991; no. 8870, of April 15, 1994; no. 9528, of December 10, 1997; no. 13340, of September 28, 2016; no. 10522, of July 19, 2002; no. 9456, of April 25, 1997; no. 13001, of June 20, 2014; no. 8427, of May 27, 1992; and no. 11076, of December 30, 2004, and Decree-Law no. 2848, of December 7, 1940 (Penal Code); and makes other provisions.

4) MANAGEMENT COMMITTEE OF THE SIMPLES NACIONAL - CGSN RESOLUTION No. 138, OF 4/19/2018

Provides for the Special Program for Tax Compliance of Micro and Small-Size Companies opting for the *Simple Nacional* (Pert-SN).

According to the rule, the payment of debts assessed under the Special Unified Regime for Payment of Taxes and Contributions owed by Micro and Small-Size Companies (*Simple Nacional*) may be divided into installments by the Brazilian Federal Revenue Office and, in the events provided in art. 46, items II and II, of CGSN Resolution no. 94, of November 29, 2011, by the Office of the General Counsel for the National Treasury, the States, the Federal District, and the Municipalities, subject to the provisions of the [Resolution](#).

The taxpayer must pay every month the installments, calculated according to the intended modality, and the debt amount to be divided into installments will be

consolidated based on the date of the application for adhesion to the Pert-SN, divided by the number of installments indicated, and will result in the sum of the principal, fines, interest for late payment, and legal charges, including attorney's fees.

5) MANAGEMENT COMMITTEE OF THE SIMPLES NACIONAL - CGSN RESOLUTION No. 139, OF 4/19/2018

[Establishes](#) specific rules for the Special Program for Tax Compliance of Micro and Small-Size Companies opting for the *Simple Nacional* (Pert-SN) specifically designed for the Individual Micro Entrepreneur.

6) FEDERAL REVENUE OFFICE -RFB NORMATIVE INSTRUCTION No. 1804, OF 4/25/2018

Amends RFB Normative Instruction no. 1784, of January 19, 2018, which regulates, within the ambit of the Brazilian Federal Revenue Office, the Rural Tax Compliance Program - PRR instituted by Law no. 13606, of January 9, 2018.

7) OFFICE OF THE GENERAL COUNSEL FOR THE NATIONAL TREASURY - PGFN ADMINISTRATIVE RULE No. 038, OF 4/26/2018

Provides for the Special Tax Compliance Program for Micro and Small-Size Companies opting for the *Simple Nacional* (Pert-SN), addressed by Supplementary Law no. 162, of April 6, 2018, for debts

administered by the Office of the General Counsel for the National Treasury.

8) PROVISIONAL PRESIDENTIAL DECREE - MP No. 828, OF 4/27/2018

Amends Law no. 13606, of January 9, 2018, to extend the period for the taxpayers to join the Rural Tax Compliance Program - PRR to May 30, 2018.

According to the MP, the taxpayers may join the PRR upon request made until May 30, 2018, and the program will comprise the debts indicated by the taxpayer in the capacity of taxpayer or subrogee.

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