

Brazil's Central Bank annual census of foreign capital is due by August 15th

Since the creation of the “Annual Census of Foreign Capital” in 2012 as result of Circular No. 3.602/2012, Brazil’s Central Bank collects information regarding foreign financial liability as guidance for the economic policy addressed by the Bank.

In 2017, the report containing information concerning the base year of 2016 shall be filed according the new rules put in place by Circular No. 3.795/2016.

Who must file the report

Corporate entities, including investment funds headquartered in Brazil, must file this report if, by 31 December 2016, the entities:

(i) Had any amount of direct foreign capital that had a net equity equal to or greater than US\$100 million; or

(ii) Had a total outstanding balance of short-term trade credits (enforceable within 360 days) that were equal to or greater than US\$10 million.

The accountable party for providing the information must retain the related documentation for five years, as from the base date (31 December 2016).

Individuals, administrative bodies of the federal, state, federal district or municipal governments, legal entities having outstanding external debt arising out of lending transactions carried out by Brazilian financial institutions, and not-for-profit entities funded by foreigners are not required to file this report.

Deadline

The Census information must be submitted no later than 15 August 2017 at 6 p.m. Brasilia time (UTC -3).

Penalties

Resolution No. 4.104/2012 established penalties for violating the rules of the Census. Under such rules, late delivery of the declaration for the annual census and/or declaration of incorrect, incomplete or false information could result in the imposition of fines from R\$25,000.00 up to R\$250,000.00 depending on the nature of the infraction.