



**MINISTÉRIO DA JUSTIÇA  
E SEGURANÇA PÚBLICA**  
Assessoria Especial Internacional

# **TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL**

**Lei nº 13.810 de 08 de março de 2019.**

Dispõe sobre o cumprimento de sanções impostas por resoluções do Conselho de Segurança das Nações Unidas, incluída a indisponibilidade de ativos de pessoas naturais e jurídicas e de entidades, e a designação nacional de pessoas investigadas ou acusadas de terrorismo, de seu financiamento ou de atos a ele correlacionados; e revoga a Lei nº 13.170, de 16 de outubro de 2015.

**VERSÃO EM INGLÊS**



## Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução<sup>1</sup>, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



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<sup>1</sup>Traduções não juramentadas ou oficiais.

**LAW nº 13,810 of March 8<sup>th</sup>, 2019.**

Provides for the compliance with sanctions imposed by resolutions of the United Nations Security Council, including the unavailability of assets of individuals and legal entities, and the national designation of persons investigated or accused of terrorism, its financing, or acts related to it; and repeals Law nº 13,170 of October 16<sup>th</sup>, 2015.

[Effectiveness](#)

[Veto message](#)

[Regulation](#)

**I, the PRESIDENT OF BRAZIL,** make known that the National Congress decrees and I sanction the following Law:

CHAPTER I

GENERAL PROVISIONS

Art. 1. Provides for the compliance with sanctions imposed by resolutions of the United Nations Security Council, including the unavailability of assets of individuals and legal entities, and the national designation of persons investigated or accused of terrorism, its financing, or acts related to it.

Art. 2. For the purposes of the provisions of this Law, consider the following:

I - assets: goods, rights, values, funds, resources, or services, of any kind, financial or otherwise;

II - unavailability of assets: prohibition to transfer, convert, copy, make assets available, or dispose of them, directly or indirectly;

III - objective grounds: existence of evidence or proof of the practice of terrorism, its financing, or acts related to it, by individuals or legal entities, as provided for in [Law nº 13,260 of March 16<sup>th</sup>, 2016](#);

IV - entities: legal arrangements or structures that do not have legal personality, such as funds or investment clubs; and

V - without delay: immediately or within a few hours.

Art. 3. The unavailability of assets covered by this Law shall occur in the following cases:

I - by the implementation of resolutions of the United Nations Security Council or by designations of its sanctions committees; or

II - by a request from a foreign central authority, provided the request for unavailability is in accordance with the applicable legal principles and presents objective grounds for exclusively meeting the designation criteria established in resolutions of the United Nations Security Council or its sanctions committees.

Art. 4. The unavailability of assets does not constitute the loss of the right of ownership.

Art. 5. Acts of disposition related to assets unavailable based on this Law are null and void, except the rights of bona fide third parties.

## CHAPTER II

### IMPLEMENTATION OF RESOLUTIONS OF THE UNITED NATIONS SECURITY COUNCIL OR THE DESIGNATIONS OF ITS SANCTIONS COMMITTEES

#### Section I

##### Immediate Compliance

Art. 6. The sanctions resolutions of the United Nations Security Council and the designations of its sanctions committees are given immediate enforceability in the Federative Republic of Brazil.

Sole paragraph. (VETOED)

Art. 7. Without prejudice to the obligation to immediately comply with the sanctions resolutions of the United Nations Security Council and the designations of its Sanctions Committees, the resolutions and designations referred to in this chapter or their extracts shall be published in the Federal Gazette by the Ministry of Foreign Affairs, in Portuguese, for publicity purposes.

Art. 8. It is forbidden to all Brazilians, residents or not, or to individuals, legal entities, or entities in the Brazilian territory, not to comply, by action or omission, with sanctions imposed by resolutions of the United Nations Security Council or by designations of its sanctions committees, for the benefit of individuals, legal entities, or sanctioned entities, including to directly or indirectly make assets available in favor of these individuals or entities.

Sole paragraph. The prohibition covered by the head provision of this article applies to the bodies of the Union, states, Federal District, and municipalities and to the to indirect government entities.

Art. 9. The individuals and legal entities referred to in [article 9 of Law nº 9,613 of March 3<sup>rd</sup>, 1998](#), shall comply with the resolutions of the United Nations Security Council or the designations of its sanctions committees that determine the unavailability of assets directly or indirectly owned by individuals, legal entities, or entities subject to sanctions arising from such resolutions, in the form and under the conditions defined by its regulatory or supervisory body, without delay and prior notice to the sanctioned.

Art. 10. Without prejudice to the obligation to immediately comply, the Ministry of Justice and Public Security shall communicate, without delay, the sanctions of:

I - unavailability of assets to the regulatory or supervisory bodies, so that they immediately communicate to the individuals or legal entities referred to in [article 9 of Law nº 9,613 of March 3<sup>rd</sup>, 1998](#).

II - restrictions on the entry or exit of persons into or from the national territory to the Federal Police, so that it adopts immediate measures of communication to international transport companies; and

III - restrictions on the import or export of goods to the Special Secretariat of the Federal Revenue of the Ministry of Economy, the Federal Police, and the port authorities, so that they take immediate communication measures to airport administrations, airlines, and port authorities and operators.

Paragraph 1. The communication referred to in item I of the head provision of this article shall be addressed by the Ministry of Justice and Public Security for compliance without delay:

I - to the Offices of Internal Affairs of the states and Federal District;

II - to the National Civil Aviation Agency;

III - to the National Transit Department of the Ministry of Regional Development;

IV - to the Port Authorities;

V - to the National Telecommunications Agency; and

VI - to the other competent public registration bodies.

Paragraph 2. The communications referred to in this article may be made electronically, with confirmation of receipt.

Art. 11. The unavailability of assets and the attempts to transfer them by individuals, legal entities, or entities sanctioned by a resolution of the United Nations Security Council or by designations of its sanctions committees shall be communicated to the Ministry of Justice and Public Security, to the regulatory or supervisory bodies of individuals or legal entities referred to in [article 9 of Law nº 9,613 of March 3<sup>rd</sup>, 1998](#), and to the Financial Activities Control Council.

## **Section II**

### **Direct Judicial Aid**

Art. 12. The Union shall supply a direct judicial assistance, without delay, to obtain information on the existence of assets subject to unavailability or of persons and property subject to another type of sanction determined in resolutions of the United Nations Security Council or in designations of its sanctions committees, without its compliance in the form of Section I of this chapter. Sole paragraph. The individuals and legal entities referred to in [article 9 of Law nº 9,613, of March 3<sup>rd</sup>, 1998](#), in the form and under the conditions defined by their regulatory or supervisory body, and the bodies and entities referred to in article 10 of this Law shall inform the Ministry of Justice and Public Security the existence of persons and assets subject to the sanction and the reasons for which they ceased to comply with it, without delay.

Art. 13. The Ministry of Justice and Public Security shall inform the existence of assets subject to unavailability or of persons and property subject to another type of sanction to the Federal General Attorney, without delay, to promote direct judicial aid.

Art. 14. Having heard the request with the elements referred to in article 12 of this Law, the judge shall determine, within 24 (twenty-four) hours counted from the date of receipt of the documents, and without the prior notice of the defendant, the relevant measures to comply with the sanction. Sole paragraph. The parties, bodies, and entities referred to in article 10 of this Law and, if necessary, the individual or legal entity who informed the existence of persons or assets subject to the sanction shall be summoned for to give science and compliance with the decision, in accordance with the terms of the head provision of this article.

Art. 15. The judge shall order the summons of the defendant to, if he/she wishes, challenge the determination within 15 (fifteen) days, counted from the date of the summons.

Paragraph 1. The challenge referred to in the head provision of this article shall not have suspensive effect and shall relate only to:

I - homonym;

II - error in the identification of the defendant or the assets that are subject to sanction;

III - exclusion of the respondent from the sanctions list, by virtue of a resolution issued by the United Nations Security Council or by designation of its sanctions committees; or

IV - maturity of the term of the sanctions regime.

Paragraph 2. The Union shall be heard on the challenge within 15 (fifteen) days, counted from the date of the subpoena.

Art. 16. The judge shall deliver a sentence whether or not there is a challenge. Sole paragraph. The records shall be filed if there is no appeal after the parties, bodies, and entities referred to in article 10 of this Law are subpoenaed and, if necessary, the individual or legal entity who informed the existence of the assets subject to the sanction.

Art. 17. In the event of the subsequent exclusion of the defendant from the originating action from the list of persons subject to the sanctions regime or any other reason that, according to the United Nations Security Council or its sanctions committees, bases the repeal of the sanction, the parties may file a revisional action to what was ruled in the sentence.

### CHAPTER III

#### DIRECT JUDICIAL AID AT THE REQUEST OF A FOREIGN CENTRAL AUTHORITY

Art. 18. The Union may file a direct judicial aid for the unavailability of assets, at the request of a foreign central authority to ensure the outcome of administrative or criminal investigations and actions underway in foreign jurisdictions in the face of terrorism, its financing, or acts related to it.



Paragraph 1. The Ministry of Justice and Public Security, in coordination with the Ministry of Foreign Affairs, shall verify, without delay, whether the request for unavailability of assets formulated by a foreign central authority is in accordance with the applicable legal principles and presents objective grounds for its fulfillment.

Paragraph 2. Having verified that the request from the foreign central authority is in accordance with the principles of the law, and presents the objective grounds for their fulfillment, the Ministry of Justice and Public Safety shall forward, without delay, the request to the office of the Office of the General Council for the Federal Government to promote it, without delay, with direct judicial aid, if there are elements that demonstrate the existence, in the Federative Republic of Brazil, of the assets subject to the extent of the unavailability.

Art. 19. The provisions of article 14, items I and II of paragraphs 1 and 2 of articles 15 and 16 of this Law apply to the direct judicial aid. Sole paragraph. The challenge referred to in article 15 of this Law may also concern the absence of objective grounds for establishing the relationship between the assets and the facts investigated.

Art. 20. The Ministry of Justice and Public Security, in consultation with the foreign central authority, shall inform the Office of the General Council for the Federal Government of the situation of the investigation or action.

Art. 21. In the event that the foreign central authority informs that the unavailability of assets is no longer necessary, the parties may file a revisional action to the sentence.

Art. 22. Where applicable, direct judicial aid shall apply to meet the request of a foreign central authority that aims to promote communications of procedural acts and to obtain other precautionary measures or evidence necessary for the criminal investigation or proceedings in progress in another country relating to the financing or support of terrorist acts, in accordance with subitems "e" and "f" of item 2 of [Resolution 1373 \(2001\)](#) of the United Nations Security Council, referred to in [Decree nº 3,976 of October 18<sup>th</sup>, 2001](#).

Sole paragraph. In the case of direct aid for the practice of acts that do not require a judicial provision, the Ministry of Justice and Public Security shall take the necessary measures to comply with them.

Art. 23. The Ministry of Justice and Public Security shall inform the requesting foreign central authority:

I - the measures adopted; or

II - the absence of objective grounds to enable the fulfillment of the request.

## CHAPTER IV

### NATIONAL DESIGNATIONS

Art. 24. The Union shall be subpoenaed by the judge, *ex officio*, of decisions that decree measures securing the assets, rights, or values of persons investigated or accused, or existing on behalf of intermediaries, which are an instrument, product, or profit of terrorist crimes, under the terms of [article 12 of Law nº 13,260 of March 16<sup>th</sup>, 2016](#), to adopt, if necessary, national designation orders before the United Nations Security Council or its relevant sanctions committee.

Paragraph 1. The Office of the General Council for the Federal Government shall communicate the decision to the Ministry of Justice and Public Security and Ministry of Foreign Affairs, so that they may decide on the national designation and, if necessary, communicate it without delay to the United Nations Security Council or its relevant sanctions committee.

Paragraph 2. The national designation shall be accompanied by the supporting elements, in accordance with the procedure established in the corresponding resolution of the United Nations Security Council.

## CHAPTER V

### FINAL PROVISIONS

Art. 25. The regulatory or supervisory bodies of individuals or legal entities referred to in [article 9 of Law nº 9,613, of March 3<sup>rd</sup>, 1998](#), shall edit the rules necessary to comply with the provisions of this Law. Sole paragraph. The regulatory or supervisory bodies shall orient, supervise, and inspect the compliance with the measures of unavailability of assets by individuals or legal entities covered by [article 9 of Law nº 9,613 of March 3<sup>rd</sup>, 1998](#), and apply the appropriate administrative penalties.

Art. 26. The Ministry of Justice and Public Security shall maintain a list of individuals and legal entities whose assets are subject to unavailability as a result of United Nations Security Council resolutions or the designation of its sanctions committees, the request of another country, or national designation.

Art. 27. Any individual, legal entity, or entity sanctioned pursuant to resolutions of the United Nations Security Council or the designation of its sanctions committees may request their exclusion from the sanctions lists.

Paragraph 1. The request for exclusion shall be substantiated aiming at meeting the criteria established in the relevant resolution of the United Nations Security Council or the designation of its sanctions committees, and forwarded to the Ministry of Justice and Public Security.

Paragraph 2. Having considered the request for exclusion, the Ministry of Justice and Public Security shall forward it to the Ministry of Foreign Affairs, which shall forward it to the United Nations Security Council or the relevant sanctions committee for its deliberation.

Art. 28. The unavailable assets may be partially released, if necessary, to pay for ordinary or extraordinary expenses.



Paragraph 1. For the purposes of this article, ordinary expenses are considered, among others:

I - basic expenses for food, rent, mortgages, medicines, medical treatment, taxes, insurance, and utility rates;

II - payment of reasonable professional fees and reimbursement of expenses incurred in the provision of legal services; and

III - payment of fees or charges related to the ordinary administration and maintenance of funds or other unavailable assets or resources.

Paragraph 2. In the case of individuals, legal entities, or entities included in the sanctions lists of the United Nations Security Council or the designation of its sanctions committees, the partial release of the blocked assets shall be authorized:

I - to pay for ordinary expenses, after notification by the United Nations Security Council or its relevant sanctions committee, without objection within 48 (forty-eight) hours from the date of notification; and

II - to pay for extraordinary expenses, after notification and approval by the United Nations Security Council or its competent sanctions committee.

Paragraph 3. In the event of unavailability of assets arising from a request from a foreign central authority or a Brazilian court order, the partial release is the responsibility of the judge who decided on the unavailability, who shall be subpoenaed by the Union, aiming at communicating to the United Nations Security Council or its competent sanctions committee.

Art. 29. The measures of direct judicial aid provided for in this Law shall be processed under secrecy of Justice.

Art. 30. In the event that the assets are subject to any degree of deterioration or depreciation or that there is difficulty in their maintenance, the competent court may be required to dispose of the assets declared unavailable for the preservation of their values.

Paragraph 1. The interested party shall be subpoenaed for the evaluation of the assets to express him/herself, if he/she wishes, within 10 (ten) days, counted from the date of the subpoena.

Paragraph 2. Once the assets have been evaluated and any differences of the value assigned to them have been resolved, their disposal shall be determined by auction or trading floor, preferably electronic, for a value not inferior to 75% (seventy-five percent) of the value assigned by the evaluation.

Paragraph 3. When the auction or trading session is held, the amount determined shall be deposited in a remunerated bank account.

Paragraph 4. The tax and fines incident on the divested asset shall be deducted from the amount determined at the auction or at the trading floor.

Art. 31. A qualified individual shall be appointed for the administration, guard, or custody of the unavailable assets, if necessary.

Paragraph 1. The legal provisions relating to the judicial administrator shall apply to the individual designated for the purposes of the provisions of the head provision of this article.

Paragraph 2. In the case of financial assets, their administration shall be the responsibility of the institutions in which they are located, with the incidence of blocking interest and other civil products and income arising from the contract.

Art. 32. The Ministry of Justice and Public Security shall communicate:

I - the Federal Prosecutor's Office and the Federal Police the measures of unavailability of assets adopted and the transfer attempts related to individuals, legal entities, or designated entities, for evaluation of the opening or not of a criminal investigation; and

II - the Ministry of Foreign Affairs the measures of unavailability of assets adopted in compliance with the resolutions of the United Nations Security Council or the designations of its sanctions committees, for knowledge and communication to the respective international body.

Art. 33. The provisions of [Law nº 13,105 of March 16<sup>th</sup>, 2015 \(Brazilian Code of Civil Procedure\)](#) and [Decree-Law nº 3,689 of October 3<sup>rd</sup>, 1941 \(Brazilian Code of Criminal Procedure\)](#) apply to this Law alternatively.

Art. 34. The federal Executive Branch shall regulate this law within 90 (ninety) days, counted from the date of its publication.

Art. 35. [Law nº 13,170 of October 16<sup>th</sup>, 2015](#) is repealed

Art. 36. This Law comes into force after 90 (ninety) days of its official publication.

Brasilia, March 8<sup>th</sup>, 2019; 198<sup>th</sup> of the Independence and 131<sup>th</sup> of the Republic.

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**This text does not replace the one published in the Federal Gazette of 3.8.2019 - Extra edition**