



Presidency of the Republic
General Secretariat
Sub-Head for Legal Affairs

DECREE NO. 8,637, JANUARY 15, 2016

It establishes the Program to Stimulate the Competitiveness of the Production Chain, the Development and Improvement of Suppliers of the Oil and Natural Gas Sector.

[\(Repealed by Decree No. 10,087, 2019\) \(Validity\)](#)

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The PRESIDENT OF THE REPUBLIC, in the use of the attribution conferred on it by Art. 84, **caput**, item VI, point "a", of the Constitution,

DECREES :

Art. 1° The Program to Stimulate the Competitiveness of the Productive Chain, the Development and Improvement of Suppliers of the Oil and Natural Gas Sector - Pedefor is established, with the following objectives:

- I - to increase the competitiveness of the supply chain in the country;
- II - stimulate national engineering;
- III - promote technological innovation in strategic segments;
- IV - expand the supply chain of goods, services and systems produced in the country;
- V - increase the level of local content of suppliers already installed; and
- VI - stimulate the creation of technology-based companies.

Art. 2 ° The implementation of the Program will take place through:

I - incentive to suppliers in the country, from the value, within the scope of the local content policy of the oil and gas sector, a percentage of local content higher than that actually existing for goods, services and systems of a strategic nature, including:

- a) locally developed engineering;
- b) technological development and innovation carried out in the country;
- (c) high potential for the generation of skilled jobs; and
- d) promotion of exports; and

II - bonus, from the concession of Local Content Units - UCL, to consortia or companies that, in the exercise of the activities of exploration and production of oil and natural gas, promote in the country:

- a) the conclusion of contracts for the purchase of goods, services and systems that have enabled the installation of new suppliers in the country;
- b) direct investment in the expansion of the productive capacity of suppliers;

- c) direct investment in the process of technological innovation of suppliers;
- d) the purchase of goods and systems in the country, with local content, to attend operations abroad; and
- e) the acquisition of pioneering lots of goods and systems developed in the country.

§ 1 - For the purposes of this Decree, UCL is considered the equivalent amount of investments made, expressed in monetary value, which may be used by company or by consortium in proving compliance with local content commitments with the National Agency of Petroleum, Natural Gas and Biofuels - ANP.

§ 2 - For the purpose of granting a bonus, in relation to points "c" and "e" of item II of **the caput, investments**, made by companies or consortia, from mandatory resources provided for in the Research and Development clause of the contracts for the exploration and production of oil and natural gas may not be qualified.

§ 3 - Other elements and ways to achieve the objectives of the Program may be defined within the scope of the Board of Directors' competences.

§ 4 - The incentives and bonuses dealt with in items I and II of **the caput will** be considered in compliance with the commitments made with local content.

Art. 3 The Program will be coordinated by the Steering Committee, which will have the following competencies:

I - define the goods and industrial segments to be stimulated by means of bonuses or by raising the percentage of effective local content;

II - define the technological areas to be stimulated;

III - define the increments of local content to be considered for each good or segment, through incentives to suppliers, in accordance with item I of **the caput** of art. 2;

IV - define the bonuses to be granted in accordance with item II of **art. 2**;

V - define the segments in which bonuses cannot be used to meet local content commitments;

VI - set limits for the use of bonuses in the compensation of contractual obligations of companies or consortia;

VII - to assess the projects submitted by the Technical-Operative Committee and their framework in the Program;

VIII - forward to the ANP, through resolutions, the conclusions on the framework of projects in the Program;

IX - propose adjustments in the local content indexes to be applied to oil and natural gas exploration and production contracts;

X - request impact analysis of the measures adopted;

XI - to propose to the National Council for Energy Policy guidelines and improvements to Government Policies aimed at the competitiveness of the oil and natural gas sector and its supply chain;

XII - propose guidelines and improvements to the rules for the application, by oil and natural gas companies, of resources for research, development and innovation, in accordance with the terms provided for in the concession contracts, onerous assignment and production sharing; and

XIII - approve its bylaws.

Article 4 The Steering Committee shall be composed of a full representative and an alternate, appointed by the following bodies and entities:

I - Civil House of the Presidency of the Republic;

II - Ministry of Finance;

III - Ministry of Development, Industry and Foreign Trade;

IV - Ministry of Mines and Energy;

V - Ministry of Science, Technology and Innovation;

VI - National Agency of Petroleum, Natural Gas and Biofuels - ANP;

VII - National Bank for Economic and Social Development - BNDES; and

VIII - Funder of Studies and Projects - FINEP.

Single paragraph. At the discretion of the Steering Committee, representatives of other Ministries, organizations, companies and entities related to the sector may be invited.

Article 5 The decisions of the Steering Committee shall be public and emanating through resolutions.

Article 6 . The coordination of the Steering Committee will be exercised on a rotating basis between the representatives of the Ministries that compose it, for a period of one year.

Art. 7 The Executive Secretariat of the Steering Committee will be in charge of the Ministry of Development, Industry and Foreign Trade.

Article 8 The bylaws of the Steering Committee shall be approved within ninety days, from the date of publication of this Decree.

Art. 9 ° The Program will be implemented by the Technical-Operative Committee, which will have the following competencies:

I - execute the deliberations issued by the Steering Committee;

II - technically subsidize the work of the Steering Committee;

III - to subsidize the Steering Committee in the proposition of guidelines and improvements to the Program;

IV - to subsidize the Steering Committee in the proposition of adjustments in the local content indexes of oil and natural gas exploration and production contracts;

V - apreciar os projetos encaminhados pela ANP, relativos à concessão de UCL aos operadores ou contratados e a autorização de multiplicadores de conteúdo local aos fornecedores, e se manifestar sobre o seu enquadramento nas diretrizes estabelecidas pelo Comitê Diretivo;

VI - submeter ao Comitê Diretivo os projetos que atendam aos requisitos para enquadramento, com parecer técnico;

VII - fiscalizar a implementação dos projetos enquadrados pelo Comitê Diretivo e atestar a sua conclusão; e

VIII – aprovar seu regimento interno.

Parágrafo único. Para o exercício de suas atribuições, o Comitê Técnico-Operativo poderá solicitar, a qualquer tempo, informações ou documentos adicionais sobre o pleito das empresas ou dos consórcios.

Art. 10. O Comitê Técnico-Operativo será composto por um representante titular e um suplente, indicados pelos seguintes órgãos e entidades:

I - Casa Civil da Presidência da República;

II - Ministério da Fazenda;

III - Ministério do Desenvolvimento, Indústria e Comércio Exterior;

IV - Ministério de Minas e Energia;

V - Ministério da Ciência, Tecnologia e Inovação;

VI - Agência Nacional do Petróleo, Gás Natural e Biocombustíveis - ANP;

VII - Banco Nacional de Desenvolvimento Econômico e Social - BNDES; e

VIII - Financiadora de Estudos e Projetos - FINEP.

Parágrafo único. A critério do Comitê Técnico-Operativo, poderão ser convidados representantes de outros Ministérios, organizações, empresas e entidades ligadas ao setor.

Art. 11. As proposições do Comitê Técnico-Operativo ocorrerão por meio da emissão de pareceres técnicos.

Art. 12. A coordenação do Comitê Técnico-Operativo será exercida de forma rotativa entre as instituições que o compõem, pelo período de um ano.

Art. 13. A Secretaria-Executiva do Comitê Técnico-Operativo será definida em seu regimento interno.

Art. 14. O regimento interno do Comitê Técnico-Operativo deverá ser aprovado no prazo de até noventa dias, contado da data de publicação deste Decreto.

Art. 15. Os projetos deverão ser apresentados à ANP, que efetuará o encaminhamento ao Comitê Técnico-Operativo.

Art. 16. Fica vedada a duplicidade de indicação de representantes para os Comitês de que trata este Decreto.

Art. 17. Este Decreto entra em vigor na data de sua publicação.

Brasília, 15 de janeiro de 2016; 195º da Independência e 128º da República.

DILMA ROUSSEFF

Armando Monteiro

Eduardo Braga

Celso Pansera

Este texto não substitui o publicado no DOU de 18.1.2016

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