

DECREE No. 12,858, FROM FEBRUARY 24, 2026

Amends the Annex to Decree No. 4,954, of January 14, 2004, which regulates Law No. 6,894, of December 16, 1980, providing for the inspection and oversight of the production and trade of fertilizers, soil conditioners, inoculants, stimulants or biofertilizers, remineralizers, and substrates for plants intended for agriculture.

THE VICE-PRESIDENT OF THE REPUBLIC, acting as President of the Republic, in the exercise of the powers conferred by Art. 84, head provision, item IV, of the Constitution, and in view of the provisions of Law No. 6,894, of December 16, 1980, and Law No. 14,515, of December 29, 2022,

DECREES:

Art. 1st The Annex to Decree No. 4,954, of January 14, 2004, shall enter into force with the following amendments:

"Art. 1^o

§ 1st Agents of the production chains of the inputs referred to in the head provision, established under the terms of Art. 3rd, head provision, item IV, of Law No. 14,515, of December 29, 2022, and specified in complementary normative acts edited by the Ministry of Agriculture and Livestock, are subject to this Decree.

§ 2nd The obligations provided for in this Decree apply to the agent according to the stage in which they operate in the production chain, to the extent of their actions and the causal link in relation to the infraction.

§ 3rd The subjection referred to in the head provision extends, as applicable, to representatives and third parties acting on behalf of the agent, with the proponent being liable for the acts practiced by them in their establishments and related to the company's activity, under the terms of applicable civil and criminal legislation." (NR)

"Art. 2nd

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III - fertilizer: a product of a mineral, natural, or synthetic nature, supplier of one or more plant nutrients, essential or beneficial, which may contain an incorporated organic fraction, being:

..... " (NR)

"Art. 3rd

I - manage agricultural defense, coordinate and exercise inspection and oversight actions of the processes described in the sub-items of item IV of the head provision of Art. 3rd of Law No. 14,515, of December 29, 2022, throughout the production chains of fertilizers, soil conditioners, inoculants, biofertilizers, remineralizers, and substrates for plants;

..... " (NR)

"Art. 5th

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§ 2nd

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IV - registration with the corresponding professional class council;

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XI - description of the self-control program procedures, observing the monitoring of the production, import, or commercialization process, ensuring the quality of the products, according to the requirements contained in this Regulation and in acts of the Ministry of Agriculture and Livestock;

....." (NR)

"Art. 7th Public acts for the release of an establishment shall be granted according to the activity and requirements established in an act of the Ministry of Agriculture and Livestock.

.....

§ 1st The public acts referred to in this article shall be carried out per establishment unit, with a validity period of ten years, renewable for equal periods.

§ 2nd For establishments that possess more than one activity or category, observed the provisions of this Regulation and in a complementary act of the Ministry of Agriculture and Livestock, a single registration shall be granted.

§ 3rd Official research institutions are exempt from accreditation.

§ 4th The registration, filing, or accreditation may be temporarily deactivated at the request of the interested party for a maximum period of twelve months, renewable, upon request, for an equal period, without prejudice to the obligations established in this Regulation and in acts of the Ministry of Agriculture and Livestock." (NR)

"Art. 14-A. Products covered by this Regulation characterized as products with more than one purpose may have a single registration, in the form provided in an act of the Ministry of Agriculture and Livestock. " (NR)

"Art. 15.

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§ 3rd The sector responsible for the analysis of the technical-scientific report may indicate the need to submit the research work to the evaluation of specialists in the field.

....." (NR)

"Art. 53.

.....

V - execute or monitor the destruction or donation of products, labels, or packaging condemned by administrative decision, in the form disciplined in this Regulation and in acts of the Ministry of Agriculture and Livestock;

.....

VII - carry out the temporary suspension of activity, stage, or product manufacturing process of the establishment, total or partial, in the form disciplined in this Regulation and in complementary acts, with the respective term being drawn up;

....." (NR)

"Art. 54. Models for forms and documents intended for the control and execution of inspection and oversight will be standardized via the Ministry of Agriculture and Livestock's own electronic system.

§ 1st In inspection documents, a simple electronic signature or another authentication mechanism with the same level of security may be used.

§ 2nd Omissions, inaccuracies, or filling errors in inspection documents, provided they do not constitute irremediable defects, shall not result in their nullity when the elements identifying the facts, irregularities, and the agent are present." (NR)

" Section III

Self-control programs

Art. 57. Self-control programs aim to ensure the safety, identity, quality, and traceability of agricultural inputs and shall be structured proportionally to the size of the economic agents and the identified risks.

§ 1st Self-control programs shall be implemented and executed by the agents of the production chains within the scope of this Regulation and must contain systematized procedures and controls that make it possible to monitor, verify, and correct the stages of the production and distribution process.

§ 2nd Self-control programs shall cover, in documented form, the general requirements of the production process and product compliance, including:

I - the agent's quality policy, with the designation of those responsible and measurable goals;

II - the description of the quality management system or good manufacturing practices adopted by the agent, covering quality control analyses, traceability mechanisms, monitoring points, verification of compliance of production process stages, and self-correction measures;

III - the definition of critical control points of the production process, with systematized and auditable records, from the obtaining and receipt of raw materials to product shipment;

IV - the sampling plan for quality control analysis of raw materials and products;

V - procedures for the recall of product batches whose analysis has identified non-conformities that may pose risks to consumer safety or to animal and plant health;

VI - the training plan for workers responsible for the execution, monitoring, and verification of activities related to critical points of the production process; and

VII - channels for handling complaints and internal mechanisms for auditing and continuous improvement.

§ 3rd Agents may use documentary elements and standard operating procedures already implemented in the company related to the quality management system, good manufacturing practices, or quality control to meet the requirements of the self-control program.

§ 4th Quality control analyses shall be performed by a laboratory registered with the Ministry of Agriculture and Livestock, whether owned or third-party, according to the scope and frequency informed in the descriptive memorial contained in the establishment's registration process.

§ 5th Establishments shall keep information, documents proving the execution of the self-control program, reports, or spreadsheets available for inspection and share them via an information system provided by the Federal Agricultural Defense, considering the size and technological level of the agents.

§ 6th Complementary requirements and data systematization standards for self-control programs will be established in an act of the Ministry of Agriculture and Livestock." (NR)

" Section **III-A**

Agricultural Defense Compliance Incentive Program

Art. 57-A. The Agricultural Defense Compliance Incentive Program will be of voluntary adhesion, in accordance with the requirements and incentives provided for in Law No. 14,515, of December 29, 2022.

§ 1st The objectives of the Program are:

I - to stimulate the improvement of quality assurance systems for agricultural inputs;

II - to contribute to the increase in compliance of products and services provided by agents linked to agricultural input production chains;

III - to act preventively to allow regularization by notification;

IV - to improve trust in the relationship between the Public Power and the agents who join the Program; and

V - to confer efficiency to the processing of administrative proceedings through management based on principles of risk analysis and procedural simplification.

§ 2nd The criteria for joining the Program are:

I - to have registration with the Ministry of Agriculture and Livestock in the respective regulated activity for at least twenty-four months;

II - to meet the official verification procedures of the self-control programs;

III - to present a record of infractions without conviction for an infraction classified as serious or very serious, with a definitive administrative decision in the last twenty-four months;

IV - not to have a penalty pending execution or payment resulting from non-compliance with this Regulation;

V - to commit to sharing operational and quality control data in the form and frequency established by the agricultural inspection;

VI - to meet the information technology system security specifications established by the Ministry of Agriculture and Livestock; and

VII - the legal entity must not appear in the Registry of Employers who have subjected workers to conditions analogous to slavery.

§ 3rd The technical requirements and the format of the data required by the inspection will be adapted according to the activity and category of the economic agent, its size, and its technology level.

§ 4th Adhesion to the Incentive Program will occur:

I - individually per unit of the requesting establishment, identified by the registration number at the Ministry of Agriculture and Livestock;

II - by electronic request with a term of commitment and documentation proving the implementation of the self-control system; and

III - upon approval by the competent authority, issuance of a certificate, and integration of the establishment into the public information system, observing the proportionality of requirements according to the size of the economic agent.

§ 5th In the case of establishments operating in import and export, the Program may be implemented in an integrated manner with compliance programs of other Union bodies." (NR)

"Art. 57-B. The following are obligations for the agent's stay in the Agricultural Defense Compliance Incentive Program:

I - to keep the sharing of operational and quality control data updated, in the form and frequency established by the agricultural inspection;

II - to monitor and disclose the compliance performance evidenced by operational and quality control data, according to the calculation criteria established in a complementary act of the Secretariat of Agricultural Defense of the Ministry of Agriculture and Livestock; and

III - to prove the execution of the self-control program implemented in the form and frequency established in the descriptive memorial contained in the registration process." (NR)

"Art. 57-C. Within the scope of the Agricultural Defense Compliance Incentive Program, a warning shall be applied to agents in the following cases:

I - Failure to keep the sharing of operational and quality control data updated in the manner and frequency established by the agricultural inspection;

II - Failure to monitor and disclose compliance performance according to the calculation criteria established by the agricultural inspection, or doing so in disagreement with operational and quality control data; or

III - failure to prove the continued execution of the implemented self-control program.

§ 1st The warning shall establish a maximum period of twenty days for adjustment, counted from the date of the agent's notification.

§ 2nd Within twenty days from the date of notification of the warning, the regulated agent may present a reasoned justification for the failure to meet the program's continuity obligations, including a proposal for an additional deadline to restore such obligations.

§ 3rd In the event that the justification is accepted, the Ministry of Agriculture and Livestock shall adopt the proposed deadline for the restoration of the program's continuity obligations, during which period the suspension shall not be applied.

§ 4th If the justification is not accepted or the period ends without adjustment, suspension shall be applied." (NR)

"Art. 57-D. Within the scope of the Incentive Program for Compliance in Agricultural Defense, suspension shall be applied to agents in the following instances:

I - failure to restore the sharing of operational and quality control data, in the manner and frequency established by the agricultural inspection, after the adaptation period set forth in the warning has elapsed;

II - failure to restore the monitoring and disclosure of compliance performance, according to the calculation criteria established by the agricultural inspection and in accordance with operational and quality control data, after the adaptation period set forth in the warning has elapsed;

III - failure to restore the execution of self-control programs or doing so in disagreement with the descriptive manual contained in the company's registration process, for a period exceeding thirty days from the date of notification of the warning to the agent, after the adaptation period set forth in the warning has elapsed; and

IV - occurrence of an infraction classified as serious or very serious, with a final administrative decision.

§ 1st The suspension shall persist until the agent restores compliance with the requirements that caused it.

§ 2nd In the event of item IV of the caput, the suspension shall be for sixty days.

§ 3rd During the suspension period, the agent may not enjoy the benefits and incentives granted due to their adherence to the Program." (NR)

"Art. 57-E. Within the scope of the Incentive Program for Compliance in Agricultural Defense, exclusion shall be applied in the following instances:

I - upon request;

II - ex officio:

a) due to the accumulation, within a period of three hundred and sixty-five days, of more than ninety days of suspension from the Program, whether continuous or not; or

b) due to a penalty applied in an administrative inspection process for an infraction of a very serious nature involving fraud, adulteration, or falsification, under the terms of this Regulation.

§ 1st In the event of exclusion upon request, the agent may apply for new adherence at any time.

§ 2nd An agent excluded ex officio may request new adherence only after twelve months from the date of exclusion and must meet the same admissibility requirements previously established." (NR)

"Art. 57-F. Agents who adhere to the Incentive Program for Compliance in Agricultural Defense whose irregularities fall within the following criteria are eligible for regularization by notification:

I - when the infraction is classified as being of a light or moderate nature; and

II - when the agent has not acted with willful misconduct (intent), and the damage can be repaired without prejudice to the consumer, their health, or the environment." (NR)

"Art. 72. The seizure of a product shall be applicable when there is evidence that the activity or the agricultural input represents a risk to agricultural defense or public health, and in the following cases:

I - if it is in an establishment that is not registered, not listed, not accredited, or with an expired registration, listing, or accreditation;

II - if the product is subject to mandatory registration and is not registered, or if the secondary material is not authorized;

III - if there is a product, raw material, or substance with missing, incomplete, or irregular identification;

.....
XI - if there is evidence that the fertilizer contains biuret, sodium perchlorate, or ammonium thiocyanate beyond the limits established by an act of the Ministry of Agriculture and Livestock;

.....
XIII - if the product with an expired shelf life is displayed for sale, or kept in storage without being identified as expired or blocked for sale;

.....
XIX - if there is evidence that the commercial establishment maintains fertilizer sweepings with the intent of sale or resale; or

XX - absence of proof that quality analyses and contaminant monitoring of products and raw materials have been carried out at the frequency established by the quality control system or the self-control program contained in the establishment's registration process.

§ 1st In the application of the precautionary measure of seizure, the inspection authority shall appoint the holder of the asset or a third party, whether a natural or legal person, to the role of depositary.

§ 2nd The role of depositary shall occur upon the signing of a term that contains, at a minimum:

I - the identification of the asset and its state of conservation;

II - the place of custody;

III - the duties of safekeeping, conservation, and presentation;

IV - the prohibitions on use, consumption, disposal, or encumbrance; and

V - the consequences of non-compliance after the signing of the term.

§ 3rd The depositary shall be administratively liable for non-compliance with the duties of safekeeping and conservation defined in the term referred to in § 2nd, with the guarantee of the right to an adversary proceeding and full defense, without prejudice to the investigation of eventual civil and criminal liability.

§ 4th At the discretion of the inspection body or when requested and motivated by the appointed depositary, the custody of the seized assets may be transferred to another depositary through the issuance of an addendum referring to the original seizure term, indicating the name of the new depositary—who may be the offender, their representative, or an employee who is preferably responsible for the management of the business—the respective National Registry of Legal Entities (CNPJ) or Individual Taxpayer Registry (CPF) number, their address, and their qualification.

§ 5th The requirements and corresponding deadlines for compliance shall be established in the seizure term, where applicable.

§ 6th In cases of seizure where it is impossible to establish measures for the regularization of the product or raw material, the disposal shall be determined in the decision of the judgment of the administrative inspection process.

§ 7th The seized product may be subject to collection for inspection analysis, before or after its regularization for release.

§ 8th The precautionary measure of product seizure may include raw materials, packaging, labels, advertising materials, waste, and sweepings directly related to the inspected product, when necessary for addressing the risk to agricultural defense or public health." (NR)

"Seção II

On the temporary suspension of activity, stage, or product manufacturing process

Art. 73. The temporary suspension of activity, stage, or product manufacturing process in the establishment, whether total or partial, may be carried out upon evidence that an activity or an agricultural product represents a risk to agricultural defense or public health, or as a result of hindrance to the inspection action according to a reasoned decision by the agricultural inspector and in the following instances:

I - the establishment is operating without the proper registration or listing, or with an expired registration or listing;

II - the facilities or equipment are in disagreement with the informative and documentary elements presented in the establishment's registration, listing, or accreditation process, or are not effectively installed or maintained, in whole or in part, according to the project and information approved in said process;

III - the facilities or equipment are inadequate for their intended purpose, with evident defects that may compromise the final quality of the product or raw material;

IV - indications of fraud, adulteration, or falsification of product, raw material, label, packaging, or pertinent documentation;

V - non-compliance with the penalty of product condemnation;

VI- absence of proof of the execution of product quality control analyses;

VII - absence of proof of the execution of monitoring and verification procedures of the production process as described in its self-control program;

VIII - failure to meet inspection requirements set forth in a summons, in a way that compromises the useful result of the process, prevents the inspection action, or poses a risk to agricultural defense or public health; and

IX - hindrance to the inspection action in the exercise of agricultural defense.

Sole Paragraph. The temporary suspension shall have a term determined by the Federal Agricultural Tax Auditor for compliance with the corresponding requirements, which may be extended upon formal request by the interested party, with justification." (NR)

"Art. 74. Seizure and temporary suspension shall be carried out through the execution of the corresponding terms, observing the requirements provided for in this Regulation and in an act of the Ministry of Agriculture and Livestock." (NR)

" Section III

On destruction or return to origin

Art. 74-A. Destruction or return of the product to the place of origin may be adopted if irregular introduction into the Country is found, when there is evidence that the product represents a risk to agricultural defense or public health, or as a result of hindrance to the inspection action, according to a reasoned decision by the agricultural inspector.

Sole Paragraph. In addition to the agricultural input itself or its raw materials, the precautionary measure of product destruction may include packaging, labels, advertising materials, waste, and sweepings directly related to the inspected product, when necessary for addressing the risk to agricultural defense or public health." (NR)

"Art. 74-B. Upon application of the precautionary measure of destruction or return to origin of the products covered by this Regulation, as provided for in art. 26 of Law No. 14,515, of December 29, 2022, the product in the process of importation may, alternatively, be sent to a country different from

the origin, upon request by the agent and authorization from the Ministry of Agriculture and Livestock..

Sole Paragraph. The product may be destroyed in the event of economic infeasibility of the return, upon request by the importer." (NR)

"Art. 74-C. Precautionary measures shall not be applied when the non-compliance can be remedied during the inspection action.

Sole Paragraph. The precautionary measure shall be immediately canceled upon the conclusion of a detailed analysis of the measures implemented to remedy the non-compliances, provided their resolution is proven." (NR)

"Art. 77. Infractions shall be graded according to the risk to agricultural defense and classified as:

- I - light nature infraction;
- II - moderate nature infraction;
- III - serious nature infraction; or
- IV - very serious nature infraction..

§ 1st For the purposes of the classification set forth in this article, the following shall be considered: I - light nature infractions:

a) failure to communicate to the Ministry of Agriculture and Livestock, in the proper registration system, any change in the informative and documentary elements of the establishment's registration that do not refer to the facilities, equipment, technical responsibility, or self-control program procedures, within the timeframes established in this Regulation or in an act of the Ministry of Agriculture and Livestock;

b) failure to communicate to private institutions or official research bodies and to the inspection body of the federative unit where the agronomic feasibility evaluation experiment facility is located, within the timeframes provided for in this Regulation or in an act of the Ministry of Agriculture and Livestock;

c) failure to submit the monthly report of laboratory analyses performed, within the timeframe provided for in this Regulation or in an act of the Ministry of Agriculture and Livestock, to the inspection body of the federative unit where the service-providing laboratory is registered;

d) contracting industrialization, storage, or bagging services from third parties in non-compliance with the provisions of this Regulation and specific legislation;

e) issuing an invoice (nota fiscal) in disagreement with what is established in this Regulation and in specific administrative acts;

f) failure to have, at the inspected agent's facilities, the documentation required by this Regulation or by an act of the Ministry of Agriculture and Livestock, or presenting it with irregularities; and

g) failure to provide a quarterly report on production, import, export, and marketing within the timeframes provided for in this Regulation or in an act of the Ministry of Agriculture and Livestock;

II - moderate nature infractions:

a) providing industrialization, storage, or bagging services to third parties, as per point "d" of item I, in non-compliance with the provisions of this Regulation and acts of the Ministry of Agriculture and Livestock;

b) failure to identify the product and raw materials or identifying them in an incomplete or irregular manner;

c) failure to communicate to the Ministry of Agriculture and Livestock, in the proper registration system, the informative and documentary elements dealing with changes to facilities, equipment, technical responsibility, and self-control program procedures, as well as regarding the sale, decommissioning, or termination of activity, within the timeframes established in this Regulation or in an act of the Ministry of Agriculture and Livestock;

d) storing or stockpiling raw materials and products without proper separation and identification, in a manner that fails to preserve their quality and integrity, or disregarding the storage area limits and storage capacity reported in the establishment's listing and registration;

e) reselling a product manufactured to order;

f) keeping in storage products specified in this Regulation that are unregistered, with an expired shelf life, without identification, or irregularly identified;

g) keeping a product or raw material in the establishment without proven origin;

h) failing to update the documentary elements of the establishment's registration to include the self-control program requirements defined in the legislation;

III - infrações de natureza grave:

a) operating an establishment that is not registered, not listed, not accredited, or whose registration, listing, or accreditation is expired, suspended, or revoked;

b) promoting or advertising products covered by this Regulation in non-compliance with the provisions of art. 34 and art. 35 of this Regulation;

c) omitting data or declaring false data to the inspection;

d) selling or reselling sweepings in disagreement with this Regulation and the acts of the Ministry of Agriculture and Livestock;

e) manufacturing the products specified in this Regulation in non-compliance with art. 27;

f) importing, exporting, producing, or marketing inoculants or other products covered by this Regulation that contain microorganisms in disagreement with the product registration specifications or assigning a function different from that specified in the registration process;

g) packaging, repackaging, or fractionating packaging of fertilizers and other products covered by this Regulation without authorization from the producing or importing establishment;

h) keeping, in the production establishment, an unauthorized substance of unknown origin or incompatible with the establishment's classification;

i) reselling, by a commercial establishment, products in fractions of their original packaging;

j) failing to meet the requirements established in a summons from the agricultural inspection within the established timeframe;

k) marketing inoculants or blended mineral fertilizers in bulk;

l) failing to maintain facilities in conditions for use and operation in a way that compromises the quality, identity, traceability, or safety of the products;

m) failing to maintain equipment in conditions for use and operation in a way that compromises the quality or safety (innocuity) of the products;

n) selling or reselling a product without registration or identification, or with irregularly identified guarantees;

o) receiving, processing, or marketing unauthorized secondary material or ore, or material from an unregistered supplier; and

p) failing to observe the parameters or standardized patterns for the products covered by this Regulation for which automatic registration has been granted; and

IV - very serious nature infractions:

a) not having permanent technical assistance, observing the provisions of art. 21;

b) replacing, subtracting, removing, or marketing, in whole or in part, raw materials, products, labels, or packaging that have been seized;

c) failing to perform quality control analyses of the products in the manner and frequency determined in their descriptive manual;

d) failing to execute the procedures of the self-control program for its products and processes, as described in the registration process, or executing them in an insufficient manner regarding the fulfillment of the basic requirements necessary for the development of the self-control program, as provided for in art. 57 of this Regulation;

e) failing to comply with the penalty of condemnation of materials, substances, raw materials, or products, within the established timeframes;

f) using unauthorized raw materials or substances, or those incompatible with the classification of the establishment, as provided for in this Regulation and in acts of the Ministry of Agriculture and Livestock;

g) producing, importing, or marketing products contaminated by phytotoxic agents, agents pathogenic to humans, animals, and plants, toxic heavy metals, pests, or weeds, beyond the limits and tolerances established in the legislation and in acts of the Ministry of Agriculture and Livestock;

h) producing, importing, or marketing an unregistered product, observing the provisions of this Regulation;

i) causing hindrance, difficulty, or promoting resistance to the inspection action, concealing the goods to be inspected, or providing incorrect information;

j) defrauding, adulterating, or falsifying products, raw materials, labels, packaging, or pertinent documents;

k) breaching a precautionary measure;

l) promoting, making available, or advertising products covered by this Regulation, attributing to them false effects or characteristics related to pesticides, environmental control products, their technical products and the like, under the terms of Law No. 14,785, of December 27, 2023;

m) using as raw material for products covered by this Regulation substances that are active ingredients of products registered as pesticides, environmental control products, their technical products and the like, under the terms of Law No. 14,785, of December 27, 2023;

n) failing to recall batches of agricultural inputs that may pose risks to consumer safety or to animal and plant health, whose non-compliances were identified by the agent's self-control program or by the agricultural inspection in the product itself or in the production process;

o) importing agricultural inputs in non-compliance with the requirements of this Regulation, in a way that poses a risk to agricultural defense, when practiced by a legal entity; and

p) irregularly introducing into the Country agricultural inputs covered by this Regulation, when practiced by a natural person.

§ 2nd For the purposes of the classification set forth in this article, when the infractions refer to a deficiency or excess of the guaranteed components of the products, they shall have the following classification, according to the degree of non-compliance found per component in the inspection or expert analyses:

I - light, when the deficiency or excess found in the component is up to one and a half times the admitted tolerance value;

II - moderate, when the deficiency or excess found in the component is more than one and a half times and up to twice the admitted tolerance value;

III - grave, when the deficiency or excess found in the component is more than twice and up to three times the admitted tolerance value; and

IV - very serious, when the deficiency or excess found in the component is more than three times the admitted tolerance value.." (NR)

"Art. 80. O agente que cometer infração prevista neste Regulamento ficará sujeito às seguintes penalidades, isolada ou cumulativamente:

I - warning;

II - fine;

III - product condemnation;

IV - suspension of registration, listing, or accreditation; and

V - revocation of registration, listing, or accreditation;

§ 1st For the purposes of setting the penalty, the following shall be considered:

I - the nature of the infraction;

II - the background of the infringing agent;

III - mitigating and aggravating circumstances; and

IV the classification of the infringing agent, as provided for in the Annex to Law No. 14,515, of December 29, 2022.

§ 2nd The fine may be applied isolatedly or cumulatively with other sanctions..

§ 3rd The judging authority may determine the recall of batches that may pose risks to consumer safety, animal health, and plant sanity, covered by this Regulation.

§ 4th The penalty provided for in item IV of the *caput* may be applied in whole or in part to the establishment's activities related to agricultural defense.

§ 5th The values for the calculation of the fine applied in the cases provided for in art. 86, *caput*, items II and III, shall be those set forth in art. 28 and in the Annex to Law No. 14,515, of December 29, 2022." (NR)

"Art. 81 The penalty of warning shall be applied to light nature infractions in instances where the offender is a first-time offender, when no aggravating circumstances are found, and when the damage can be repaired." (NR)

"Art. 82. Observing the mitigating and aggravating circumstances, the fine shall be applied at the maximum value, considering the agent's classification and the nature of the infraction, when:

I - the offender practices physical or verbal aggression, threatens, offends, intimidates, coerces, or attempts to corrupt the inspection authority;

II - the offender causes hindrance, difficulty, or promotes resistance to the inspection action, conceals the goods to be inspected, provides incorrect, false, or insufficient information, or defrauds documents with a view to covering up the infraction; and

III - the offender moves, removes, modifies, diverts, subtracts, replaces, misplaces, or markets, in whole or in part, a product under the custody of a depository." (NR)

"Art. 84.

§ 1st

I - the offender's first-time status (primarity);

II - the infraction having been committed through negligence (culpably);

III - the infraction not affecting the traceability, identity, quality, compliance, safety (innocuity), security, and the hygienic-sanitary and technological aspects of the raw material, products, or related services; or

IV - the offender proves that they corrected the irregularity that motivated the infraction, or mitigated or repaired its consequences, until the end of the deadline for submitting the defense.

.....

§ 6th Except in the case of primary macronutrient deficiency, specific recidivism shall result in a 10% (ten percent) increase of the fine to be applied for each new occurrence of the same infraction, with the maximum value of the penalty limited to the ceiling provided for in art. 28 of Law No. 14,515, of December 29, 2022.

....." (NR)

"Art. 85.

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§ 1st In the event that the practice of two or more distinct infractions is found in the same administrative agricultural inspection process, the penalties shall be applied cumulatively to the offender, observing the *non bis in idem* principle.

§ 2nd The limit value for fines, established in Law No. 14,515, of December 29, 2022, shall be considered for each infraction individually.

§ The Ministry of Agriculture and Livestock may establish, in a complementary normative act, criteria for the valuation of fines, respecting the minimum and maximum values provided for in the Annex to Law No. 14,515, of December 29, 2022." (NR)

"Art. 86.

I - in the case of deficiency in the primary macronutrient guarantees of the product, the fine shall have the following calculation criteria:

a) five times the ratio of the sum of the primary macronutrient deficiencies to the sum of the guaranteed primary macronutrient contents, multiplied by the representative quantity of the sample, multiplied by the monetary value of the corresponding unit of quantity, expressed by the following mathematical notation: $\text{Fine} = \{[5 \times (\text{Some of NPK deficiencies} / \text{Some of NPK guarantees})] * [\text{sample quantity}] * \text{product unit value}\}$; and

b) the monetary value of the product may be determined by means of a price table or the invoice (nota fiscal) issued by the party responsible for the product;

II - in the case of other guaranteed or declared components of the products, except for those provided for in item I, the fine shall be calculated by linear interpolation between the percentage of deficiency and the range of values for the tier corresponding to the nature of the infraction and the agent's classification; and

III - when the product presents contamination by phytotoxic agents, agents pathogenic to humans, animals, and plants, toxic heavy metals, pests, and weeds beyond the established limits, applied according to the nature of the infraction, the agent's classification, and the mitigating and aggravating circumstances.

..... " (NR)

"Art. 87.

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c) when the sum of the contents found in the analysis is outside the admitted tolerances and there is a deficiency in one or more nutrients that are components of the sum, the fine shall be calculated only based on the deficiency of the sum of the nutrients;

II in relation to art. 86, *caput*, item II:

a) when there is a deficiency or excess in a guaranteed component beyond the maximum or minimum admitted content, the value of the fine, within the range of amplitude for classification, shall be proportional to the degree of deficiency or excess found for the components and calculated in relation to them; and

b) when there is a deficiency or excess in two or more guaranteed or declared components, beyond the maximum or minimum admitted contents, the value of the fine, within the ranges of amplitude for classification, shall be proportional to the degree of deficiency or excess found for each component and calculated in relation to them by the sum of the values found." (NR)

"Art. 88.

I - when there is non-compliance with a requirement set forth in the seizure;

II - when the product or raw material has an expired shelf life and its reprocessing has not been authorized;

III - when there is fraud, adulteration, or falsification of a product, raw material, label, packaging, or other seized material;

IV - when fertilizers present more than 1% (one percent) of perchlorate, expressed as sodium perchlorate (NaClO₄), and more than 1% (one percent) of thiocyanate, expressed as ammonium thiocyanate (NH₄SCN)

V - when the product presents contamination by phytotoxic agents, agents pathogenic to humans, animals, and plants, toxic heavy metals, pests, weeds, and other microorganisms not declared in the registration, beyond the limits established in the current legislation; or

VI - products or substances seized due to the cases provided for in art. 72, *caput*, items VI, VII, IX, X, XVI, XVII, and XVIII, or that have not been released during the administrative process.

§ 1st

I - be destroyed; or

II - be donated to public bodies or philanthropic entities, provided they do not pose a risk to public health or the environment.

....." (NR)

"Art. 90.

I - in relation to the product registration:

.....

b) when there is a recidivism of the infraction provided for in art. 77, § 1st, item III, point 'e', within the last twenty-four months; or

c) when there is a recidivism of the infraction provided for in art. 88, *caput*, items IV or V, within the last thirty-six months;

II - in relation to the establishment registration:

.....

b) when there is non-compliance with the penalty of suspension of product registration or with a requirement set forth in the precautionary measure of temporary suspension of activity;

III - in relation to the establishment listing:

a) when there is non-compliance with the precautionary measure of temporary suspension of activity; or;

when failure to communicate the temporary suspension of service

provision to the contracting establishments due to an

inspection precautionary measure occurs; and

IV - in relation to the accreditation:

a) when there is non-compliance with the precautionary measure of temporary suspension of activity;

or

b) when failure to communicate the temporary suspension of service provision to the contracting establishments due to an inspection precautionary measure occurs.

§ 1st The suspension may not exceed:

I - sixty days, in the case of establishment registration;

II - one hundred and twenty days, in the case of product registration; and e

III - one hundred and eighty days, in the case of listing or accreditation.

.....

§ 6th The suspension of the listing of the service-providing establishment, the ore supplier, or the secondary material generator shall be total, with the dissociation of its activities being impossible. (NR)

§ 7th The service-providing establishment that has its listing suspended must communicate the suspension of service provision to the contracting establishments during the term of the precautionary measure of temporary suspension of activity or the penalty of suspension of listing.

§ 8th The suspension of the private research institution's accreditation shall be total, regardless of whether it possesses more than one location for the installation of experiments.

§ 9th During the term of the accreditation suspension, the institution shall be prevented from installing new experiments." (NR)

"Art. 91. The penalty of revocation shall be applied:

I - in relation to the product registration:

.....

II - in relation to the establishment registration:

.....

c) when there is non-compliance with the penalty of suspension of registration, listing, or accreditation of the establishment; or

.....

VI - in relation to the listing: when there is non-compliance with the penalty of suspension of the establishment's listing; and

VII - in relation to the accreditation:

- a) when there is non-compliance with the penalty of suspension of the establishment's accreditation;
- b) when there is fraud, adulteration, or falsification of experimental results or technical reports that affect the credibility of the experimental trial results;
- c) when, for the third time, consecutive or not, within a period of sixty months, there is a rejection of the final technical-scientific report presented to the Ministry of Agriculture and Livestock due to problems in the conduct of research work that definitively compromise its results and conclusions;

Sole Paragraph. The revocation provided for in the *caput* shall imply:

I - in the case of an establishment, the prohibition of new registration, listing, or accreditation for a period of one year; and

II - in the case of a product, the prohibition, for a period of one year, of producing, exporting, importing, or marketing a product with an identical specification to that whose registration has been revoked." (NR)

"Art. 94. The penalties of suspension or revocation of registration, listing, or accreditation shall be executed by the state inspection units of the Ministry of Agriculture and Livestock or by the central body." (NR)

"Art. 107.

.....

III - product condemnation, by means of notification;

.....

V - suspension or revocation of the registration, listing, or accreditation by means of an administrative act from the competent authority of the inspection body, with notification of the offender and the consequent update of the registration status.

§ 1st Should the notification not be met or in the case of hindrance to its execution, the inspection authority may request the assistance of police force, in addition to issuing an infraction report for hindrance to the inspection action.

§ 2nd The execution of the penalty of condemnation by product destruction may, at the discretion of the Ministry of Agriculture and Livestock, be monitored by the inspection and shall observe the following:

I - after receiving the notification of judgment, the offender shall have a period of thirty days, extendable upon request for an equal period, to execute the penalty of condemnation and inform the Ministry of Agriculture and Livestock of the date, time, and location of the procedure, with ten days' prior notice;

II - in the event that the condemnation requires authorization from the competent environmental body, the offender shall have a period of thirty days, extendable upon request for an equal period, to present their application protocol to the Ministry of Agriculture and Livestock;

III - based on the data provided by the offender to the Ministry of Agriculture and Livestock, the inspection body shall communicate the authorization or issue the respective term of condemnation; and

IV - in the event that the inspection of the Ministry of Agriculture and Livestock chooses not to monitor the donation or destruction procedure, the offender must submit to the inspection body, within ten days of its execution, documents proving the transfer of possession of the materials or products and a declaration or report attesting to the receipt and execution of the destruction by the authorized establishment.

§ 3rd The granting of the authorization referred to in item II of § 2nd must be communicated to the Ministry of Agriculture and Livestock, informing the date, time, and location of the procedure, with ten days' prior notice of its realization.

.....
§ 5th The penalty of product condemnation applies to the inspected product and other related materials that have been seized, including raw materials, packaging, labels, advertising materials, waste, and sweepings." (NR)

"Art. 111. Any natural or legal person registered, listed, or accredited in the manner provided for in this Regulation shall be obliged to communicate to the competent inspection body the transfer or sale of the establishment or the termination of the activity, for the purpose of cancellation of registration, listing, or accreditation, or furthermore, the temporary decommissioning of the activity, within sixty days from the date the fact occurs.

§ 1st The transfer of the establishment registration, due to the sale or incorporation of the company, may occur through the change of the CNPJ (National Registry of Legal Entities) in the registration system of the Ministry of Agriculture and Livestock, with the documentary update and provided the original facilities are maintained or expanded.

§ 2nd The temporary decommissioning or cancellation, upon request of the interested party, may be executed by the inspection body of the Ministry of Agriculture and Livestock in the federative unit or by the central body.

§ 3rd The communication provided for in the *caput*, if carried out extemporaneously, shall result in a fine and revocation of the registration, listing, or accreditation." (NR)

"Art. 112. The registrations, listings, and accreditations provided for in this Regulation shall be carried out by the competent body of the Ministry of Agriculture and Livestock, at the Federal Superintendence of Agriculture and Livestock of the federative unit where the applicant is located, or by distribution of the central inspection body.

§ 1st In the event of denial of the requests referred to in the *caput*, the applicant may, within twenty days from the date of receipt of the notice of denial, request a review of the decision made with the inspection body of the Ministry of Agriculture and Livestock through a technically reasoned request.

..... " (NR)

"Art. 115. The validity period of the registrations, listings, and accreditations of establishments, as a result of the provisions in art. 7th, § 1st, shall be automatically extended for establishments with active and valid status on the date of entry into force of Decree No. 12,858, of February 24, 2026." (NR)

"Art. 117. Agents registered, listed, or accredited before the regulation of the self-control programs shall have a period of two years to adapt to the requirements established in art. 57, starting from the date of entry into force of Decree No. 12,858, of February 24, 2026.

§ 1st Requests submitted for analysis or with analysis in progress before the date of entry into force of Decree No. 12,858, of February 24, 2026, may be granted by providing the same adaptation period referred to in the *caput*.

§ 2nd From the date of entry into force of Decree No. 12,858, of February 24, 2026, new requests must fully comply with the requirements of the self-control programs." (NR)

Art. 2nd The following provisions are hereby revoked:

I - of the Annex to Decree No. 4,954, of January 14, 2004:

- a) items XXIII and XXIV of the *caput* of art. 2nd;
- b) § 1st of art. 5th;
- c) the sole paragraph of art. 7th;
- d) art. 10;
- e) § 4th and § 5th of art. 15;
- f) item I of § 2nd of art. 16;
- g) § 2nd and § 3rd of art. 18;
- h) art. 50; i) § 1st of art. 66;
- j) of § 1st of art. 77:
 1. points 'h', 'i', 'j', 'l', 'm', and 'n' of item I; and
 2. points 'i', 'j', 'k', 'l', and 'm' of item II;
- k) items VI, VII, and VIII of the *caput* of art. 80;
- l) art. 83;
- m) § 4th and § 5th of art. 84;
- n) the sole paragraph of art. 85;
- o) art. 89;
- p) art. 92 and art. 93;
- q) item IV of the *caput* of art. 107;
- r) items III and IV of the *caput* of art. 109;
- s) § 3rd of art. 112; and
- t) art. 114;

II - art. 1st of Decree No. 8,059, of July 26, 2013, in the part that amends the following provisions of the Annex to Decree No. 4,954, of January 14, 2004:

- a) item XI of § 2nd of art. 5th;
- b) § 3rd, § 4th, and § 5th of art. 15;
- c) item I of § 2nd of art. 16;
- d) § 2nd and § 3rd of art. 18;
- e) art. 50;
- f) art. 57;
- g) of art. 72:
 1. item XI of the *caput*;
 2. item XIII of the *caput*;
 3. § 1st to § 3rd; and
 4. § 6th and § 7th

- h) art. 73;
- i) art. 77;
- j) art. 81 to art. 83;
- k) § 4th to § 6th of art. 84;
- l) the sole paragraph of art. 85;
- m) of art. 86:

1. item II of the *caput*; and

2. § 3rd;

n) of the *caput* of art. 87:

1. point "c" of item I; and

2. item II;

o) of art. 88:

1. items I to IV of the *caput*; and

2. items I and II of § 1st;

p) art. 89;

q) of the *caput* of art. 90:

1. points "b" and "c" of item I; and

2. point "b" of item II;

r) of the *caput* of art. 91:

1. the *caput* of item I;

2. of item II:

2.1 the *caput*; and

2.2 point "c";

s) art. 92;

t) art. 94; and

u) of art. 107:

1. item V of the *caput*; and

2. § 2nd and § 3rd;

v) items III and IV of the *caput* of art. 109; and

w) of art. 112:

1. the *caput*;

2. § 1st; and

3. § 3rd; and

III - art. 2nd of Decree No. 8,384, of December 29, 2014, in the part that amends the following provisions of the Annex to Decree No. 4,954, of January 14, 2004:

a) art. 3rd;

b) item IV of § 2nd of art. 5th;

c) art. 10;

d) § 5th of art. 15;

e) art. 57;

f) art. 73;

- a) art. 77;
- b) art. 83;
- c) § 4th do art. 84;
- d) items II and III of the *caput* of art. 86;
- e) art. 90;
- f) art. 91; e
- g) art. 111.

Art. 3rd This Decree shall enter into force on the date of its publication.

Brasília, February 24, 2026; 205th year of Independence and 138th year of the Republic.

GERALDO JOSÉ RODRIGUES ALCKMIN FILHO

Iraja Rezende de Lacerda

President of the Federative Republic of Brazil

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