



DIRECTIVE No. 114, OF JULY 5, 2000.

Regulates the access to data and information on the Brazilian sedimentary basins that makes up the assets of the ANP.

THE GENERAL DIRECTOR OF THE NATIONAL PETROLEUM AGENCY, pursuant to his legal attributions and according to the terms of the Board of Directors Resolution No. 382, of July 5, 2000, decides:

Article 1. This Directive regulates the access to data and information on the Brazilian sedimentary basins that makes up the assets of the ANP and the activities of reprocessing and interpreting this data and information, that will be carried out by individuals resident in Brazil and companies constituted under Brazilian law, with headquarters and administration within the Country.

Article 2. For the purposes of this Directive the following definitions are established:

I - DATA: Is data acquired by specific acquisitions and later procedures, applied to oil and natural gas exploration and production activities.

II - PUBLIC DATA: data that is not under a confidentiality period.

III - CONFIDENTIAL DATA: data that is under a confidentiality period.

IV - SECRET DATA: interpretations, valuation of reserves data, technical-economic viability studies and production costs by field in reference to specific activities of a determined company, which contain information of its exclusive strategic and commercial interests.

V - DATA REPROCESSING: The activity of reevaluating data already processed, by new or different treatments and procedures.

VI - DATA INTERPRETATION: the study, analysis and evaluation of the technical and scientific content of acquired, processed and reprocessed data.

VII - CONFIDENTIALITY PERIOD: period of time, regulated by the ANP, during which the data will be kept secret.

VIII - EXPLORATION AND PRODUCTION DATABASE / BDEP: information and public, confidential and secret data assets, on the Brazilian sedimentary basins, organized and maintained by the ANP.

Article 3. Individuals and companies interested in having access to the public data, will present a request to the ANP, which shall contain the following information and documents:

I – Individuals

a. name;

b. profession;

- c. address;
- d. identity document;
- e. definition of the area, object of the request, including a list of the vertex coordinates of the polygon that define the area;
- f. data that is intended to be accessed; and
- g. reasons for the intended access.

II – Companies:

- a. company name;
- b. address;
- c. company registration document;
- d. organization chart;
- e. legal representative;
- f. list of directors
- g. technological and operational qualifications;
- h. description of activities already undertaken in the Country;
- i. definition of the area, object of the request, including a list of the vertex coordinates of the polygon that define the area;
- j. data that is intended to be accessed; and
- k. reasons for the intended access.

Article 4. The confidential and secret data stored in its Exploration and Production Database will not be made available by the ANP

Sole paragraph. The ANP may access the data referred to in the main clause of this Article, at any time.

Article 5. Individuals and companies that have their request for access to the data approved by the ANP, are obliged to bear the costs arising from handling the data, as well as the costs in reference to the material used in the copies that will be supplied to them.

§ 1 The values of the costs mentioned in the main paragraph of this Article are available at the ANP's Central Office.

§ 2 The ANP will inform the interested parties of the approval of their request for access to the data and the total cost mentioned in the main paragraph of this Article.

§ 3 The ANP will make the public data available to universities, free of charge, which may only be used for strictly academic purposes, with no direct or indirect right for commercial use.

Article 6. Individuals and companies may not make the data, to which they have access, available to third-parties except for contracted consultants; affiliated companies; companies they are partners with in ANP concessions; companies with which they have contractual links that does not amount to purchase, sale or assignment of the data; when determined by the Federal Government or the ANP; or because of current legislation.

Article 7. Reprocessing and interpretation of the data for commercial purposes is subject to authorization from the ANP.

§ 1 The request for authorization mentioned in the main paragraph of this Article, will contain the following data and information:

I - an individual shall supply proof of being resident in Brazil and a company shall supply proof or being constituted under Brazilian Law, with a headquarters and administration within the Country, accompanied by a document proving registration with the National Company Register (CNPJ - Cadastro Nacional de Pessoa Jurídica);

II - data and information listed in Article 3 of this Directive;

III - description of the activities that are intended to be undertaken; and

IV - detailed schedule of the work to be executed, showing the date for each stage, including the commencement and conclusion dates.

§ 2 Individuals and companies that have signed the "Authorization for Use of the Exploration and Production Database Document", dealt with in Article 11 of this Directive, are exempt from the requirements of the provisions of sub-paragraphs I and II in the previous paragraph.

Article 8. Individuals and companies authorized to reprocess or interpret data in accordance with the previous Article, are subject to the following obligations:

I - to present a monthly report to the ANP on the progress of the activities;

II - to inform the ANP of the name and address of each purchaser of the work resulting from the reprocessing or interpretation, within a maximum period of 10 (ten) days from the date of the sale;

III - to give the ANP, free of charge, a copy of all the data and information resulting from the work, as well as a copy of the final product produced, within a maximum period of 30 (thirty) days from the date of its conclusion;

IV - to inform the ANP of any alteration to the data and information dealt with in Article 7, § 1 of this Directive, within a maximum period of 15 (fifteen) days from the occurrence.

Article 9. Individuals and companies authorized under the terms of Article 7 of this Directive will have the right to a confidentiality period, for the version resulting from the data reprocessing, of 5 (five) years from the date of the conclusion of the work.

Sole paragraph. During the confidentiality period, individuals and companies may assign the sales rights of the version resulting from the data reprocessing to third-parties, upon prior and expressed approval from the ANP.

Article 10. The individuals and companies are entirely responsible for the quality and veracity of the version resulting from reprocessing and interpretation, holding the ANP and the Federal Union harmless and indemnified from any law suits, complaints, claims, losses or damage they may suffer as a consequence of poor quality, lack of veracity or error in this data.

Article 11. The ANP may sign an "Authorization for Use of the Exploration and Production Database Document" with individuals resident in Brazil and companies constituted under Brazilian law, with headquarters and administration within the Country, who have an interest in using the ANP Exploration and Production Database to store and access their secret data and the data which has the right of a confidentiality period, as well as accessing public data.

§ 1 The "Authorization for Use of the Exploration and Production Database Document", dealt with in the main paragraph of this Article, is available at the ANP's Central Office.

§ 2 Those individuals that have signed the "Authorization for Use of the Exploration and Production Database Document", mentioned in the main paragraph of this Article, are not subject to the conditions of Articles 3 and 5, § 2 of this Directive.

Article 12. Infractions arising from the non-compliance with the provisions of this Directive, will be subject to the sanctions set out in Law No. 9.847, of October 26, 1999 and additional legislation, without prejudice to civil and penal responsibilities.

Article 13. This Directive comes in to force on the date of its publication.

DAVID ZYLBERSZTAJN
General Director

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