ENVIRONMENT

CLIENT ALERT

FEBRUARY/2020

ENVIRONMENT – FEDERAL AGENCIES: TACIT APPROVAL UNDER THE ECONOMIC FREEDOM ACT

Recently the Chico Mendes Institute for the Conservation of Biodiversity ("ICMBio") and the Federal Environmental Agency ("IBAMA) published Ordinances No. 69/2020 and No. 229/2020 ("Ordinances") stating that tacit approval of acts for economic activities - under the terms of the Economic Freedom Act - **do not** apply to the acts of such authorities.

Further, the Ministry of the Environment ("MMA") published Ordinance No. 48/2020 ("MMA Ordinance") determining:

i. which of its acts (under MMA's responsibility) are and which are not subject to tacit approval;
ii. deadlines for MMA's response for cases in which the tacit approval is applicable.

The Economic Freedom Act provides that a tacit approval will apply in the event of silence by governmental authorities once the deadline for response is expired in requests related to approvals for economic activities.

However, concerning federal environmental matters, application of the Economic Freedom Act is restricted to specific acts from MMA.

The Ordinances have also expanded the terms of Provisional Measure No. 915/2019 - tacit approval would apply exclusively to activities with relevant environmental impact.

Veirano's environmental team is highly experienced on the subject and is available to provide further clarification.

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