

VEIRANO ADVOGADOS

Newsletter

# Environmental and Climate Change

August | 2024

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# Environmental

# The National Strategy for Circular Economy Was Established by Decree No. 12.082/2024

Decree No. 12,082/2024, issued on June 28, establishes the National Strategy for Circular Economy, aiming to transition from a linear production model to a circular economy.

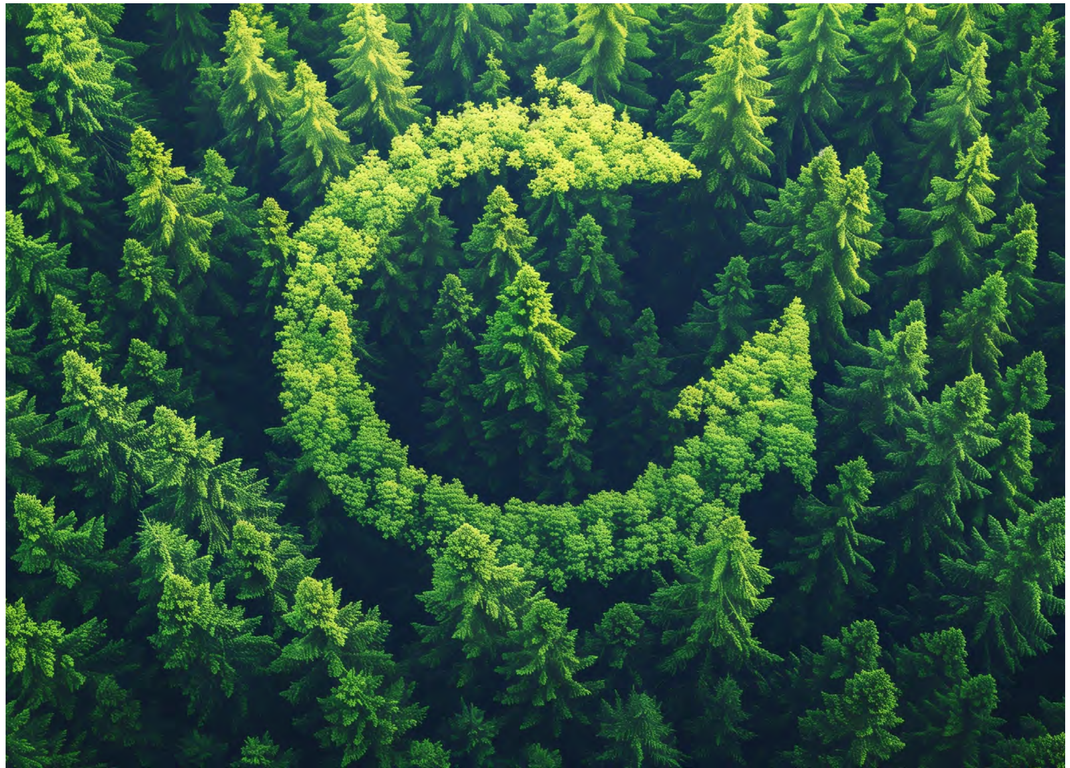
A circular economy is an economic system that maintains the circular flow of resources, linking economic activity with resource management through the addition, retention, or recovery of their value. It is based on principles such as waste prevention, the circulation of products and materials, and regeneration.

From a legal perspective, the policy seeks to create a regulatory and institutional environment conducive to the circular economy. This includes setting goals and indicators to monitor circularity, developing markets for reusable, reconditioned, and recycled products, and coordinating with other public policies and international commitments.

The policy also includes proposals for financial instruments to support the circular economy, such as financing, incentives for public procurement of circular goods and services, and appropriate tax treatment to reduce pollution and waste.

This strategy aligns with the National Policy of Circular Economy (PNEC), as outlined in Bill No. 1874/2022, which has already been approved by the Senate and is currently under discussion in the Chamber of Deputies.

The decree came into force on the date of its publication and can be accessed through this link.





# National Policy for Conservation and Sustainable Use of Genetic Resources For Food, Agriculture and Livestock

Federal Decree No. 12,097/2024, issued on July 4, establishes the National Policy for the Conservation and Sustainable Use of Genetic Resources for Food, Agriculture, and Livestock.

The policy aims to conserve and sustainably use genetic resources for food, agriculture, and livestock, ensuring the fair and equitable sharing of benefits derived from their use.

This policy represents an important milestone in the conservation and valorization of genetic resources, promoting sustainability and food and nutritional security.

The policy's implementation framework calls for cooperation among states, the Federal District, municipalities, civil society organizations, and private entities.

One key instrument for implementing the policy is the National Platform of Genetic Resources, which will consist of three databases that are yet to be established.

Encouraging research and the development of new technologies under this legal framework could lead to significant advances in agriculture and livestock.

The decree took effect on the date of its publication and can be accessed through this link.

# IBAMA Presents New Procedures for Projects of Recovery of Degraded or Altered Area (PRAD)

The Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA) has published Normative Instruction No. 14/2024, which outlines new procedures for the preparation, presentation, execution, and monitoring of Projects for the Recovery of Degraded or Altered Areas (PRAD).

IN No. 14/2024 applies to the recovery of terrestrial ecosystems, providing guidelines for the restoration or reconstitution of native vegetation in rural environments and, in some cases, urban areas, as long as applicable urban planning rules are followed.

The instruction introduces the concept of "environmental scenario," which assesses the condition of the area to be recovered and its surroundings. Depending on the environmental scenario and the size of the property, a complete or simplified PRAD will be required.

The PRAD must adhere to one of the terms of reference specified by IBAMA, which establish the necessary guidelines and technical directions.

In addition to traditional monitoring and inspection reports, IN No. 14/2024 recommends evaluating the trajectory of environmental recovery, including the ecosystem's evolution over time and whether it is progressing toward the desired state, particularly in the context of ecological restoration.

## Deadlines:

- **IBAMA:** 90 + 90 days for approval or rejection of the PRAD.
- **Companies:** 180 days after signing the commitment term to begin activities.
- **Monitoring:** Up to 1-3 years from the start of implementation, with an extension possible for up to 4 years.

Registration in the Rural Environmental Registry (CAR) is required for project analysis.

The full text of IN No. 14/2024 can be found here.



# ICMBio Publishes Rules for Consent for Authorization of Vegetation Suppression in Conservation Units

On July 19, 2024, the Chico Mendes Institute for Biodiversity Conservation (ICMBio) published Normative Instruction No. 6, dated July 4, 2024, which sets forth the procedures for issuing Consent for Authorization of Vegetation Suppression ("Consent") for activities requiring environmental licensing, and Authorization of Vegetation Suppression ("Authorization") for activities not requiring environmental licensing within federal Conservation Units.

The Consent for Authorization is issued when ICMBio approves the suppression of vegetation proposed by enterprises subject to environmental licensing.

The Authorization is granted by ICMBio to permit the suppression of vegetation for activities not subject to environmental licensing.

For activities subject to federal environmental licensing in Environmental Protection Areas (APAs), ICMBio will, exceptionally, issue Consent for Authorization.

Both the Consent and the Authorization must be issued when the activity or enterprise complies with the objectives of the Management Plan and other applicable regulations.

IN No. 6/2024 provides detailed procedures for obtaining these authorizations from ICMBio.

The full text of the Normative Instruction can be accessed here.



# CONAMA Establishes National Air Quality Standards

The National Environment Council (CONAMA) published Resolution No. 506 on July 5, 2024, updating national air quality standards and guidelines for their application, as outlined by the National Air Quality Policy (Law No. 14.850/2024).



Resolution No. 506/2024 revises the air quality guide values to align with those defined by the World Health Organization (WHO) in 2021 and repeals significant portions of Resolution No. 491/2018.

For implementation, Resolution No. 506/2024 introduces a more detailed structure with four intermediate standards (PI-1 through PI-4) and final air quality standards (PF), each with specific deadlines.

The PI-4 standards will take effect in 2044, with the option to advance or extend this date only once, for a maximum of four additional years.

Regarding pollutants, Resolution No. 506/2024 updates the standards for MP10, MP2.5, O3, NO2, SO2, and CO with new values and deadlines for both intermediate and final standards.

Additionally, it requires the Ministry of the Environment (MMA) to submit a proposal to CONAMA for revising Resolution No. 05/1989, which governs the National Air Quality Control Program (Pronar), within 180 days of the resolution's effective date.

The full text of the resolution can be accessed link.

# Ordinance GM/MMA No. 1102/2024 Establishes Criteria for the Qualification of Reverse Logistics (Take-Back System) Management Entities for Packaging



The GM/MMA Ordinance No. 1.102, issued on July 12, 2024, establishes criteria for the qualification of management entities and parameters for reverse logistics (take-back) systems for packaging in general.

The ordinance covers packaging materials such as paper, cardboard, plastic, aluminum, steel, glass, and long-life cartons, excluding those classified as hazardous.

Management entities are responsible for operating these systems, ensuring proper recycling and reuse of packaging materials.

To qualify, management entities must register with the Ministry of Environment and Climate Change (MMAMC). The MMAMC has up to 90 days to review the application and, if approved, publish the approval in the Official Gazette.

Qualification is valid for three years and may be renewed.

The MMAMC can cancel the qualification if the entity is dissolved, requests cancellation, faces accountability measures, or fails to meet qualification criteria.

Management entities must structure, implement, and operate the reverse logistics system, disclose the results, demonstrate the traceability of waste, and provide information about their activities.

Entities should also encourage manufacturers, importers, distributors, and retailers to join the system, support collection and recycling networks, and promote research to develop technologies that enhance the recycling chain.

The full text of GM/MMA Ordinance No. 1.102/2024 can be found here.

# The Federal Court of Accounts (“TCU”) Highlights the Issuance of Usage Guides by the National Mining Agency (“ANM”) Without the Proper Environmental Licensing

The Federal Court of Accounts (TCU) issued Decision 1368/2024 on July 10, 2024, highlighting inappropriate practices in the issuance of Usage Guides (GU) by the National Mining Agency (ANM).

The TCU’s decision notes that the ANM has been issuing GUs excessively, improperly replacing mining concessions and waiving prior environmental licensing, which violates current legislation and increases the risk of environmental damage.

The decision also criticizes the lack of clear justification for granting GUs and the issuance of guides for extracting quantities beyond those permitted without adequate explanations. Additionally, cases of mineral extraction without the required environmental license were identified, constituting illegal mining.

The TCU recommended that the ANM implement measures to investigate and address these irregularities, emphasizing the need to adhere to legal and regulatory requirements.

The full text of Decision 1368/2024 can be found here.



# São Paulo: SAA Resolution Defines the Environmental Regularization Procedure for Rural Properties

Resolution No. 50/2024 from the Secretariat of Agriculture and Supply of São Paulo (SAA), published on July 3, outlines the procedure for the environmental regularization of rural properties in São Paulo State.

According to Resolution SAA No. 50/2024, the procedure will be conducted through the Rural Environmental Registry System of São Paulo State (SICAR-SP). The analysis of the Rural Environmental Registry (CAR) will include verification of: (i) the nature of the property, (ii) the area and location of its Legal Reserve, (iii) any overlaps with other CARs or with public lands, indigenous lands, and/or territories of traditional communities, and (iv) areas of consolidated use that overlap with permanent preservation areas or restricted use areas.

The property owner or holder will be notified of the results of the CAR analysis. If there are discrepancies between the information



declared in the CAR and the information verified during the analysis, the owner or holder must provide justifications and clarifications.

The SAA Resolution No. 50/2024 also addresses the Environmental Regularization Program (PRA) and the Environmental Compliance Commitment Agreement (TCA).

The resolution will take effect on August 17, 2024.

# Minas Gerais: State Law No. 24,931/2024 - State Policy for Sustainable Irrigated Agriculture and Collective Water Rights

State Law No. 24,931, dated July 5, 2024, aims to expand the irrigated area in Minas Gerais, increase agricultural productivity, and promote the efficient and sustainable use of water.

The law notably regulates the collective allocation of water use rights and establishes the associated fee.

It provides for the development of state and regional plans for irrigated agriculture and defines guidelines for expanding and improving sustainable irrigated practices.

By amending Law No. 13,199/1999 (State Water Resources Policy), the new law allows water resource users in conflict zones to organize collectively to obtain collective water rights.

The Local Management Committee (CGL), composed of users within the conflict area, is responsible for submitting the proposal for these collective rights.

The collective water rights will be based on the negotiated allocation of resources, aiming to resolve or mitigate conflicts among users and plan for future water needs.

The law also encourages private sector involvement and the formation of public-private partnerships for multi-purpose water projects.

State Law No. 24,931/2024 can be accessed here.



# Climate Changes

# New Guidelines for the Preparation of Climate Change Adaptation Plans

Law No. 14,904, published June 28, 2024, establishes guidelines for preparing climate change adaptation plans. The objective is to reduce vulnerability and exposure to risks affecting environmental, social, economic, and infrastructure systems.

The law is part of the National Policy on Climate Change (PNMC) and aims to integrate adaptation plans into sectoral climate plans and policies, as well as into local, municipal, state, regional, and national development strategies.

A national adaptation plan will be developed to set guidelines for state and municipal plans and to ensure priority support for the most vulnerable municipalities.

The main guidelines include identifying and prioritizing measures to address recurring natural disasters, managing and reducing climate risks, and integrating mitigation and adaptation strategies in line with the Paris Agreement. Nature-based solutions are encouraged.

The law also establishes the need for monitoring and evaluating planned actions, with inclusive governance processes. It emphasizes research, development, and innovation to reduce vulnerabilities and advance new technologies.

Additionally, the law seeks to promote international cooperation for financing and developing adaptive technologies, allowing the preparation of plans to be funded by the National Climate Change Fund (FNMC).

The full text of Law No. 14,904 can be found here.



# New Guidelines for Resource Allocation for Resilient Infrastructure

The Ministry of Transport has published Ordinance No. 622, dated June 28, 2024, establishing guidelines for resource allocation in road concession contracts. The aim is to develop resilient infrastructure, mitigate greenhouse gas (GHG) emissions, and promote energy transition.

Ordinance No. 622/2024 requires that new road concession projects allocate at least 1% of the gross revenue from the concession to these initiatives, incorporating these funds into the economic and financial modeling of the bidding notices.

The regulation mandates that new projects include actions for sustainable alternatives in resource collection and disposal, mitigation of GHG emissions, promotion of energy efficiency, and use of renewable energy sources.

The National Land Transport Agency (ANTT) will conduct technical studies to identify vulnerable areas and assess the needs for adapting road infrastructure to climate change.



Existing concession contracts will be adjusted by ANTT to include new priority investments while maintaining economic and financial balance.

Resources for road infrastructure adaptation will be capped at 1% of the gross revenue from the concession. Funds allocated for sustainable actions will have a maximum impact of 1% on the Basic Toll Rate.

The ordinance emphasizes the need for transparency in resource application, requiring ANTT to publish the information on its website. The ordinance takes effect seven days after publication.

The full text of Ordinance No. 622 can be found here.

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## We are available if you have any questions or need additional information.


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