



Newsletter

Environmental and Climate Change

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ICMBio sets Legal Guidance on Pre-Existing Infrastructure Projects Within Conservation Units

On April 10, 2024, ICMBio published Portaria ICMBio No. 1002/2024, which approved Normative Legal Guidance PFE/ICMBio No. 38/2024 (“OJN No. 38/24”).

OJN No. 38/24 addresses ICMBio’s position on the maintenance or possible indemnification of infrastructure projects that predate the creation of Federal Conservation Units and whose uses and purposes are incompatible with the category or objectives of the protected area.

According to OJN No. 38/24, ICMBio must consider the project’s characteristics, the existence of technical and locational alternatives, and the social and economic relevance in comparison with the purpose and significance of the Conservation Unit.

The guideline establishes that, after determining the most appropriate alternative for each specific case, a Term of Commitment will be formalized, and ICMBio must invite the licensing authority to intervene in the process, ensuring that the decision affects environmental licensing.

Furthermore, authorization for the continuation of the project may result in new environmental conditions to ensure the preservation of the attributes that justified the creation of the Conservation Unit. It may also involve environmental compensations, defined by ICMBio in agreement with the developer, in favor of the Conservation Unit.

You can access the Ordinance through this [link](#).





ANAC Approves Resolution No. 743/2024 Regulating the Monitoring and Compensation of Carbon Dioxide Emissions in International Flights Starting in 2025

On May 14, 2024, the board of directors of the National Civil Aviation Agency (ANAC) approved Resolution No. 743/2024, which regulates the monitoring and compensation of carbon dioxide emissions from international operations under the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

CORSIA, a program organized by the International Civil Aviation Organization (ICAO), began monitoring international CO₂ emissions from its air operators in January 2019.

Air operators emitting more than 10,000 tons of CO₂ annually in international flight segments using fixed-wing aircraft with a maximum takeoff weight exceeding 5,700 kg must prepare and submit to ANAC for approval an Emissions Monitoring Plan. This plan must include the CO₂ emissions monitoring method adopted and the procedures implemented to meet the monitoring requirements.



The new ANAC regulations will take effect on January 1, 2025. Non-compliance with the obligations established in Resolution No. 743/2024 can subject air operators to fines ranging from BRL 50 per ton of uncompensated CO₂ up to BRL 120 thousand for failing to monitor emissions or conducting incomplete monitoring or not meeting the Resolution's requirements.

You can access the Resolution No. 743/2024 through this [link](#).



Ministry of the Environment Issues Package of Measures on World Environment Day

On June 5, 2024, World Environment Day, the Federal Government signed 5 new regulations related to climate change, the protection of Brazilian biomes, and the promotion of a sustainable economy:

- » **Decree No. 12,040/2024:**
Modifies the Interministerial Committee on Climate Change and establishes chambers for cooperation between federal entities and civil society in public policies on climate change.



- » **Decree No. 12,041/2024:**
Establishes the Resilient Green Cities Program, aimed at improving cities' environmental quality and resilience to climate change by integrating urban policies.
- » **Decree No. 12,044/2024:**
Creates the National Bioeconomy Strategy, coordinating the implementation of public policies to develop the bioeconomy.
- » **Decree No. 12,045/2024:**
Establishes the National Program for the Conservation and Sustainable Use of Brazil's Mangroves – ProManguezal, aiming to coordinate federal government actions for the conservation, restoration, and sustainable use of mangrove biodiversity.
- » **Decree No. 12,046/2024:**
Regulates Law No. 11,284/2006, which addresses the management of public forests for sustainable production. The changes include allowing the commercialization of carbon credits in forest concessions and recognizing collective territorial rights in areas of federal public forests without specific designation.

Access the decrees at the [link](#).



National Biodiversity Commission Expands its Role Through Decree No. 12.017/2024

The Decree No. 12.017/2024, published on May 13, 2024, expanding the role of the National Biodiversity Commission. The commission's purpose now includes implementing the Kunming-Montreal Global Biodiversity Framework, a historic agreement adopted in December 2022 at the 15th COP on Biological Diversity. This agreement aims to catalyze, facilitate, and drive government actions to halt and reverse biodiversity loss.

Among the actions within the competence of the National Biodiversity Commission are supporting the implementation and monitoring of international commitments assumed by the country under biodiversity-related conventions, especially:

- » The Convention on Biological Diversity, promulgated by Decree No. 2.519/1998;
- » The Convention on Wetlands of International Importance - Ramsar Convention, promulgated by Decree No. 1.905/1996;
- » The Convention on the Conservation of Migratory Species of Wild Animals, promulgated by Decree No. 9.080/2017;

- » The Convention on International Trade in Endangered Species of Wild Fauna and Flora, promulgated by Decree No. 76.623/1975; and
- » The International Convention for the Regulation of Whaling, promulgated by Decree No. 28.524/1950.

Additionally, the National Biodiversity Commission monitors, evaluates, and proposes updates to the National Biodiversity Strategy and Action Plan (EPANB). Brazil's goals for the EPANB were set from 2011 to 2020, and the public consultation for its update was concluded in February 2024.

The Decree came into force on the date of its publication and you can access through this [link](#).





National Air Quality Policy Enacted

On May 3, 2024, Law No. 14,850/2024, which establishes the National Air Quality Policy, was published.

This law is the result of Bill No. 3027/2022. The new policy mandates the definition of national air quality standards through the National Environment Council (Conama), and its primary instrument is the National Air Quality Management Plan, which has yet to have a defined timeline for its development and implementation.

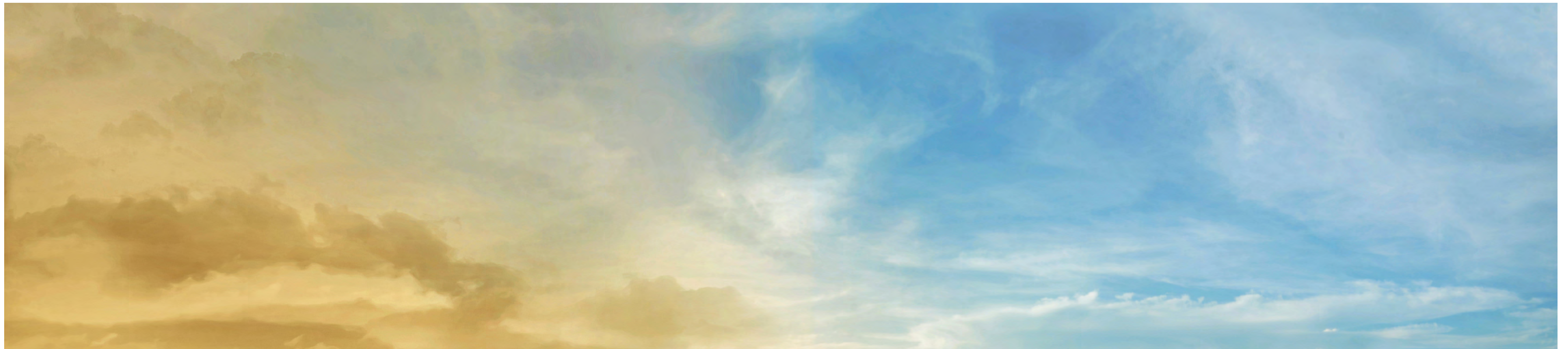
The National Air Quality Management Plan must include diagnostics, scenario projections, and deadlines for the execution of national pollution control programs, such as the National Air Quality

Control Program (Pronar) and the Motor Vehicle Air Pollution Control Program (Proconve), as well as actions to achieve the air quality targets set by Conama.

The possibility for states and municipalities to establish more restrictive air quality standards than those established by CONAMA has been vetoed.

The new National Air Quality Policy still requires additional regulation, particularly regarding deadlines for drawing up federal and state atmospheric emissions inventories.

The National Air Quality Policy is available at this [link](#).





CETESB Issues Board Decision No. 023/2024 on Licensing Activities Related to the Management and Disposal Cycle of Solid Waste

On April 10, 2024, CETESB issued Board Decision No. 023/2024/C/I (“DD No. 23/24”), which establishes the procedure for licensing units for the storage, transfer, sorting, recycling, preparation, energy recovery, treatment, and final disposal of solid waste.

According to the DD No. 23/24 specifies that CETESB agencies in the State of São Paulo must license the following activities involving the management and disposal cycle of solid waste:

- » Installation and expansion of sanitary and industrial landfills for hazardous and non-hazardous waste.
- » Capacity expansions for daily solid waste receipt that reduce the landfill’s lifespan without increasing the licensed volumetric capacity and additional works.
- » Volumetric capacity expansion of sanitary landfills.
- » Installation and expansion of composting units for waste.

- » Installation and expansion of transfer and temporary storage units for hazardous and non-hazardous industrial solid waste.
- » Installation and expansion of pyrolysis units using tire waste.

DD No. 23/24 requires compliance with classification criteria, such as volumetry and impact assessment performance, for the licensing of the above-listed activities.

The Board Decision came into force on May 9, 2024 and its full text is available [here](#).





MDIC Launches Working Groups to Discuss Industry Mitigation and Adaptation Plan

The Ministry of Development, Industry, Trade, and Services (MDIC) will develop sectoral plans for industry mitigation and adaptation.

The Working Group for developing the Sectoral Climate Change Adaptation Plan was established through Ordinance GM/MDIC No. 33/2024 (available [here](#) in Portuguese).

1. The sectoral adaptation context.
2. Sectoral adaptation objectives and priorities.
3. Sectoral adaptation targets for 2030 and indicative targets for 2035 and 2050.
4. Actions, programs, and specific measures to achieve the targets, including respective goals, indicators, costs, funding sources, and other means of implementation.
5. Proposals to revise the regulatory framework to align with sectoral adaptation objectives, priorities, and targets.

6. Governance for the sectoral plan's management, monitoring, and evaluation, including participation and transparency mechanisms.

The first meeting of the Working Group took place on March 4th this year. It included 21 representatives from different productive sectors and civil society, along with special guests such as associations from high-emission sectors, including aluminum, glass, chemicals, cement, tanneries, hygiene, and trees.

On May 17, 2024 during a meeting of the Low Carbon Industry Technical Committee, the MDIC also created the Working Group for the Sectoral Greenhouse Gas (GHG) Mitigation Plan.

The Secretariat for Green Economy, Decarbonization, and Bioindustry will coordinate the Mitigation Working Group.

Coordinated by the Secretariat for Green Economy, Decarbonization, and Bioindustry, the Mitigation Working Group includes the CNI, the Industry Federations of the States of São Paulo (Fiesp) and Minas Gerais (Fiemg), and representatives from the six most emitting industrial sectors: cement, pulp and paper, aluminum, steel, chemicals, and glass.

The results of both Working Groups will be presented to the Ministry of Environment and Climate Change (MMA) by November to compose the national mitigation and adaptation plan.



ANP Report Presents Studies on the Regulatory Framework for CCUS

On April 25, 2024, the Board of Directors of the National Agency of Petroleum, Natural Gas, and Biofuels (ANP) published the Report on the Implementation of the Regulatory Framework for CCUS (Carbon Capture, Use, and Storage) in the country.

Some current regulatory proposals for CCUS activities, such as PLs 1425/2022 and 528/2020, designate the ANP as the responsible authority. In this context, the ANP conducted a regulatory study on the inclusion of CCUS within the agency's activities, aiming to anticipate the topic's evaluation and study the regulatory instruments that need to be developed.

The ANP concluded that it should adopt experimental regulatory measures during the initial phases of activity development, observing industry best practices and foreign regulatory systems, to avoid hindering the initial development of CCUS activities. This experimental regulation will involve the application of pilot projects in different regions and activity areas.



Regulation through pilot projects, considered the most appropriate according to the ANP report, involves formulating a temporary and transitional regulatory framework to gather sufficient information for proposing a new regulatory system.

As indicated by the Agency's Board, the study is an important initial step by the ANP, signaling to the market its intention to develop regulatory instruments that will structure the development of a safe and sustainable CCUS industry, capable of Brazil's commitment in achieving emission reduction targets.

You can access the content of the report through this [link](#).



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

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