ENVIRONMENT

CLIENT ALERT

JUNE / 2019

ENVIRONMENTAL – PROVISIONAL MEASURE AND DEADLINE TO REGISTER PROPERTI**ES IN THE ENVIRONMENTAL RURAL REGISTER ("CAR")**

On June 14, 2019, Provisional Measure No. 884 ("MP") was published, modifying Federal Law No. 12.651/2012 (the "Forestry Code") by eliminating the deadline to register properties in CAR

Initial discussions indicated that the lack of a deadline to register in the CAR would negatively impact the adhesion to the Rural Compliance Program (PRA). Without a valid CAR, owners of rural properties can not adhere to the PRA, thus, the remediation of forestry contingencies would supposedly be postponed.

However, if we interpret the MP literally and without any bias, jointly with the article from the Forestry Code that provides that the CAR is mandatory (art. 29) and the expiration of Provisional Measure No. 867/18, the result is that the CAR and the PRA are immediately mandatory! Both the Forestry Code and the MP are valid and in full force.

If in the former legal scenario the CAR should had been implemented by December 31, 2018 and the adhesion to the PRA should occur up to December 31, 2019, in the current legal scenario, the CAR is immediately mandatory (paragraph 3 of article 29 from the Forestry Code) as well as is immediately mandatory the adhesion to the PRA (paragraph 2 of article 59 from the Forestry Code).

There has been a positive impact towards the PRA, through the anticipation of its deadline: from December 31, 2019 to June 14, 2019. It should cause rural owners to rush towards recovering their contingencies, with the advantage to resolve related administrative processes that are ongoing for years at environmental agencies.

As a result, the MP is an incentive for environmental compliance in rural properties where deforestation took place, driving it to recovering the vegetation in compliance with the laws currently in force or in force by the time the deforestation took place.

PRACTICE AREA
Environment

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For further information, please send a message to news@veirano.com.br

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Currently, the Joint Committee is responsible to analyze the MP, which will be examined afterwards, in a separate session, by the Plenary Councils of the National Congress.

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

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