



MONTHLY OUTLOOK REPORT

December

2021

INITIATIVE:



SUPPORT:





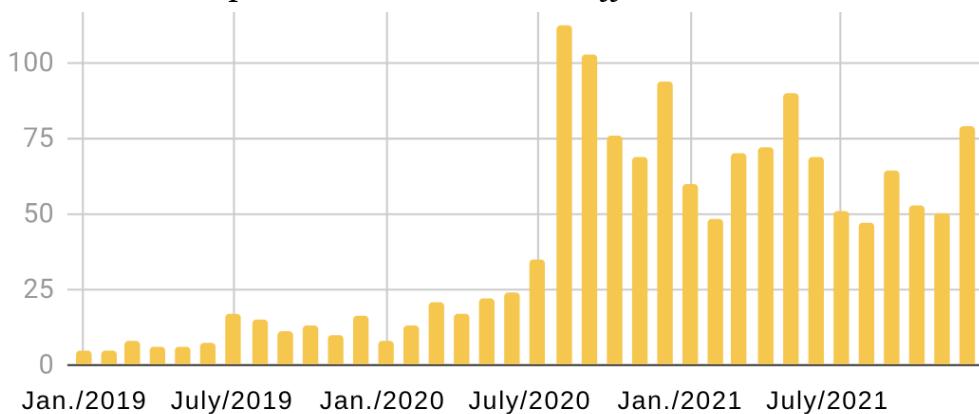
- 1. Executive Branch**
- 2. Legislative Branch**
- 3. 2021 Retrospective**
- 4. Analysis**
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This is the December 2021 Monthly Outlook Report on the Brazilian federal government's signals relevant to climate and environmental policies detected by our [Government Actions Tracker](#) (1. Executive Branch), and the new proposals presented at the Federal Congress identified by our [Legislative Initiatives Database](#) (2. Legislative Branch). We analyse Federal Official Gazette publications daily and classify relevant content using an actions typology¹ we have developed, allowing us to understand trends in the government's agenda. This current edition provides an outlook on the number of relevant actions, their types, and a sector-by-sector analysis, followed by an assessment of the current political state in Brazil (4. Analysis) and a discussion of the main trends for the coming month (5. Trends). To quote from this report, please refer to our terms of usage (6. Terms of Usage and Contact Information).

¹ The typology for Legislative branch actions is being tested and will be published soon.

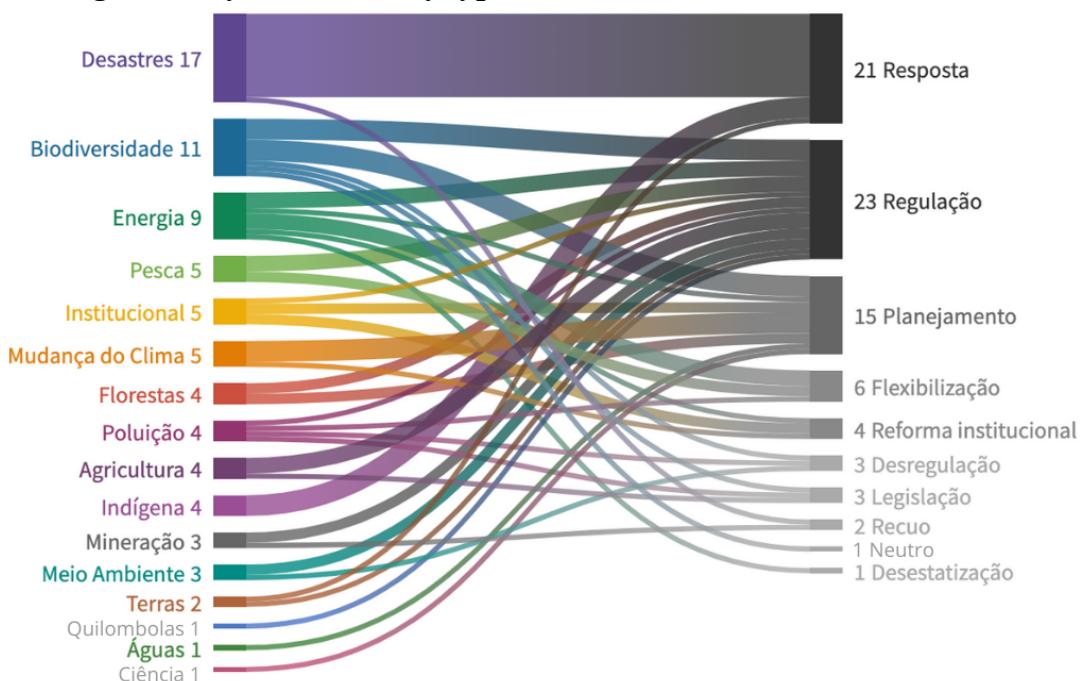
1. Executive Branch

In **December** our [Government Actions Tracker](#) identified **79 actions** relevant to environmental and climate change policies from the federal executive Branch published in the *Federal Official Gazette*.



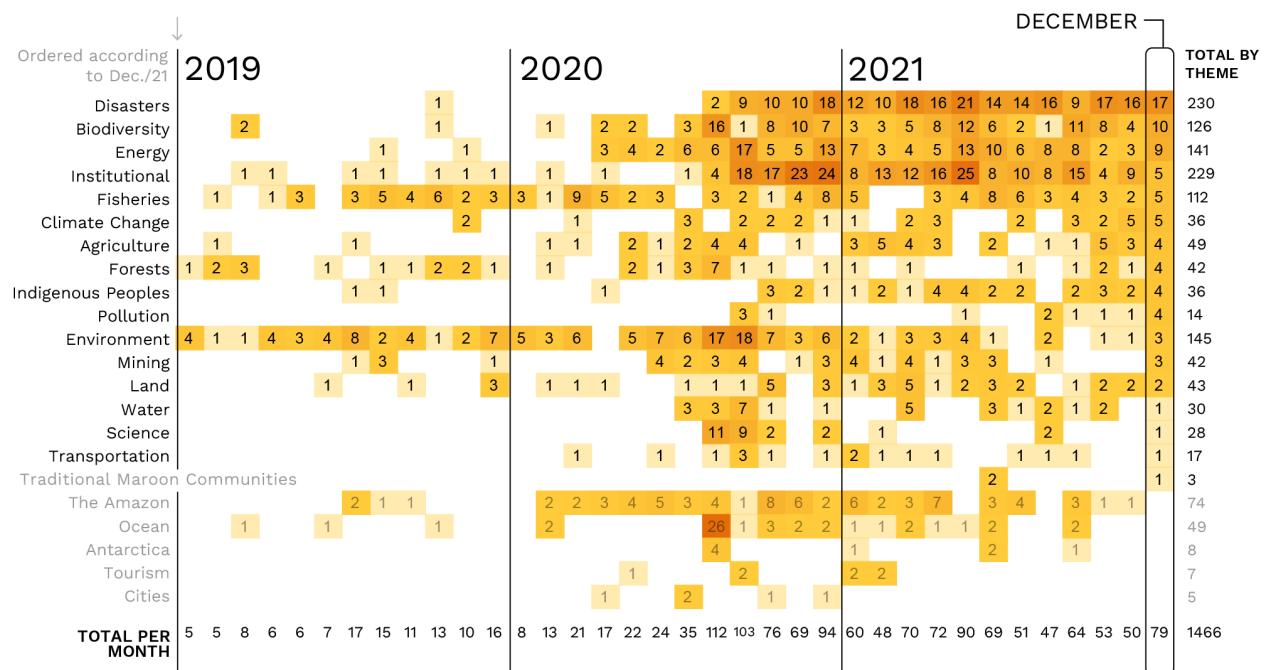
1.1 Classification of Executive branch actions

Actions organized by theme and by type:



1.2 Themes of Executive branch actions

Number of actions identified each month for each theme, since the beginning of the current administration.



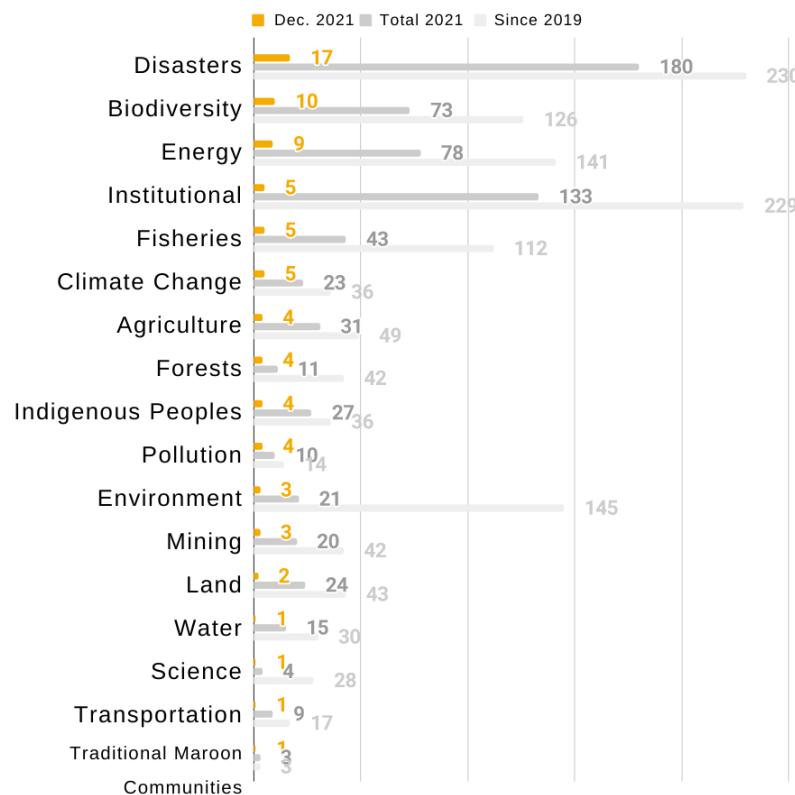
1.3 Analyses by type and by theme

The most recurrent theme in December was Disasters, with 17 actions related to emergency state acknowledgments due to weather and climate events. Eleven actions were listed under Biodiversity, including the creation of the Theme Advisory Chamber on monitoring, assessment, and funding for the National Native Vegetation Recovery Plan (PLANAVEG) and the public consultation to regulate foreign trade of live fish from marine, continental and estuarine waters for ornamental and aquarist purposes. Nine actions were listed under Energy, among which we highlight the setting of the mandatory rates for the biodiesel blend for 2022 and the amendment that grants more autonomy to the National Agency for Petroleum, Natural Gas and Biofuels (ANP) in relation to bidding processes and the concession of marine and terrestrial blocks. Five actions were listed under Climate Change, most related to the creation of Working Groups focused on COP26 commitments.

There were also five actions listed under Institutional and under Fisheries. Under Fisheries we highlight rules for fishery management, and under Institutional we highlight the creation of the Sustainable Regional Infrastructure Development Fund. There were four actions listed under each of the following themes: Agriculture, Forest, Indigenous Peoples and Pollution. Under Agriculture we highlight the

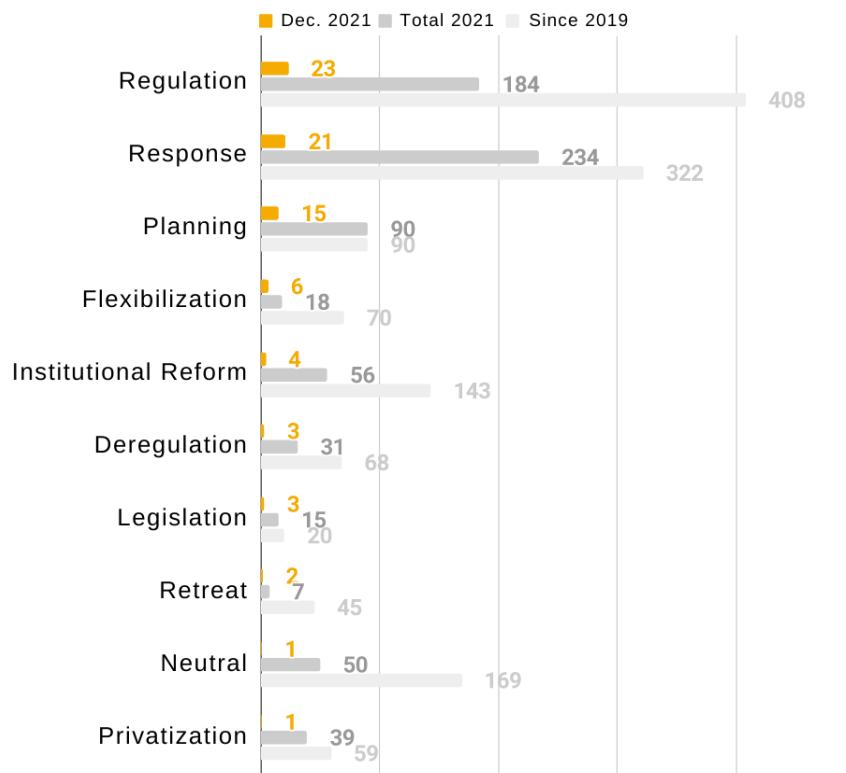
approval of 51 new pesticides. Under Indigenous Peoples, rules relate to the extension of the use of the National Public Security Force (FNSP) to support the National Indian Foundation (Funai), in Sararé and Kawahiva do Rio Pardo Indigenous Lands, in the state of Mato Grosso, and in Serrinha, in the state of Rio Grande do Sul. We also highlight the extension of the restriction to enter Pirititi Indigenous Land, in the state of Roraima. Under Forests, the revision of the 2020-2030 National Plan for the Control of Illegal Deforestation and Native Vegetation Recovery, and the review of the 2020-2023 Operational Plan. Under Pollution, we highlight the law addressing incentives to the recycling industry. Three actions were listed under Environment and under Mining, including, under Environment, amendments to Instructions 480 and 481 by the Financial Services Authority (CVM) and the regulation of the reuse of effluents in fertigation systems. Two actions were listed under Land, one of them related to the request for urgency and priority from the National Institute of Colonization and Agrarian Reform (INCRA) regarding dams located in settlements. There was one action listed under Traditional Maroon Communities, regarding INCRA procedures for environmental licensing processes in Traditional Maroon Communities' lands. There was also one action listed under the theme Science and one under the theme Water.

ACTIONS BY THEME - DECEMBER



The most common classification type in December was Regulation, with 23 actions listed. Regulation actions include the setting of procedures for the assessment of extinction risk for Brazilian flora species, and the publication of guidelines for the use of mining tailings and overburden. We also highlight the creation of the National Network for Research and Environmental Monitoring of Aquaculture in Federal Waters – Rede. Twenty one actions were listed under Response, most related to acknowledgments of emergency in different states, and to the use of the National Public Security Force (FNSP) due to conflicts in Indigenous Lands. Fifteen actions were listed under Planning in December, among which we highlight the 2022-2024 schedule of electric power auctions, and the creation of Theme Advisory Chambers related to Payment for Environmental Services and to the prevention and combating of forest fires. Six actions were listed as Flexibilization in December, among which we highlight the extension of the deadline for the adjustment of the Temporary Fishing Activity License. Four actions were listed under Institutional Reform, including the new guidelines for registration and registration update of Environmentalist Entities with the National Registry of Environmentalist Entities (CNEA) and the new composition of the Brazilian Network of Research on Global Climate Change (Rede Clima). Three actions were listed under Deregulation, and these were already mentioned in the section above. There were three approvals listed under Legislation, among which we highlight Law No. 14,285 addressing Permanent Preservation Areas (APPs) in urban areas. There were two actions listed under Retreat, an uncommon type in the monitoring: the revocation of the prior consent to mine gold in sensitive Amazon areas and the cancellation of Acknowledgments of Emergency Situation in 5 municipalities in Bahia. One action was listed under Privatization, and one action was listed as Neutral, which is recorded for future correlations.

ACTIONS BY TYPE - DECEMBER



Theme: Institutional

ORDINANCE MJSP No. 516, of 3 DECEMBER 2021 – Planning

Ordinance No. 516 permanently creates the National Borders and State-lines Security Programme - VIGIA (Surveillance, Integration, Governance, Interoperability and Autonomy), within the Integrated Operations Secretariat of the Ministry of Justice and Public Security, aligned and in compliance with the guidelines and strategic goals established by the Integrated Border Protection Programme (PPIF), aiming at strengthening the prevention, surveillance, inspection and control of transnational crime, with the coordinated participation of public security, national defence, border control, agricultural and livestock protection, inspection, and other federal agencies, as well as the participation of border states and municipalities, including their inland waters and their maritime coast, in accordance with provisions of the current legislation.

[RESOLUTION CONAMA No. 502, of 8 DECEMBER 2021](#)

-Institutional Reform

Regulates the registration and the registration update of Environmentalist Entities with the National Registry of Environmentalist Entities (CNEA), formerly governed by Resolution CONAMA 292/2002. The new rule makes a few amendments, such as: (i) setting the maximum period of one year (extendable) for the functioning of the CNEA. The period extension depends on an act of the minister for the Environment, i.e., more power in concentrated his hands; and (ii) setting the mandatory presentation, by the entity, of a declaration by Technical Staff with experience in at least one of the following areas: Biodiversity, Protected Areas, Forests, Environmental Education, Environmental Control and Quality, and Territorial Management; and technical certificates proving experience in socio-environmental projects and research in at least one biome. It revokes Resolution CONAMA No. 06, of 15 June 1989; and Resolution CONAMA No. 292, of 21 March 2002. On this subject, check POLÍTICA POR INTEIRO's [exclusive analysis](#).

[JOINT ORDINANCE MMA/IBAMA/ICMBIO/JBRJ No. 548, of 14 DECEMBER 2021](#) –**Institutional Reform**

Joint Ordinance No. 548 regulates cooperation programmes and projects, agreements, and similar instruments, financed with external resources or funds within the scope of the Ministry for the Environment and related entities, creating the Project Monitoring System and the Directory of External Resources Projects coordinated by the External Resources Department of the Executive Secretariat (DRE/SECEX). Within 120 after the end of projects financed by resources from funds under the responsibility of the Ministry, the DFMA must forward to the DRE/SECEX the object fulfilment report, provide access to accounting books, if existing, as well as provide a copy of technical and financial opinions within 30 days after its conclusion, including an assessment on the fulfilment of respective objectives and results achieved during its execution, based on follow-up records. It revokes Joint Ordinance No. 145, of 01 April 2021.

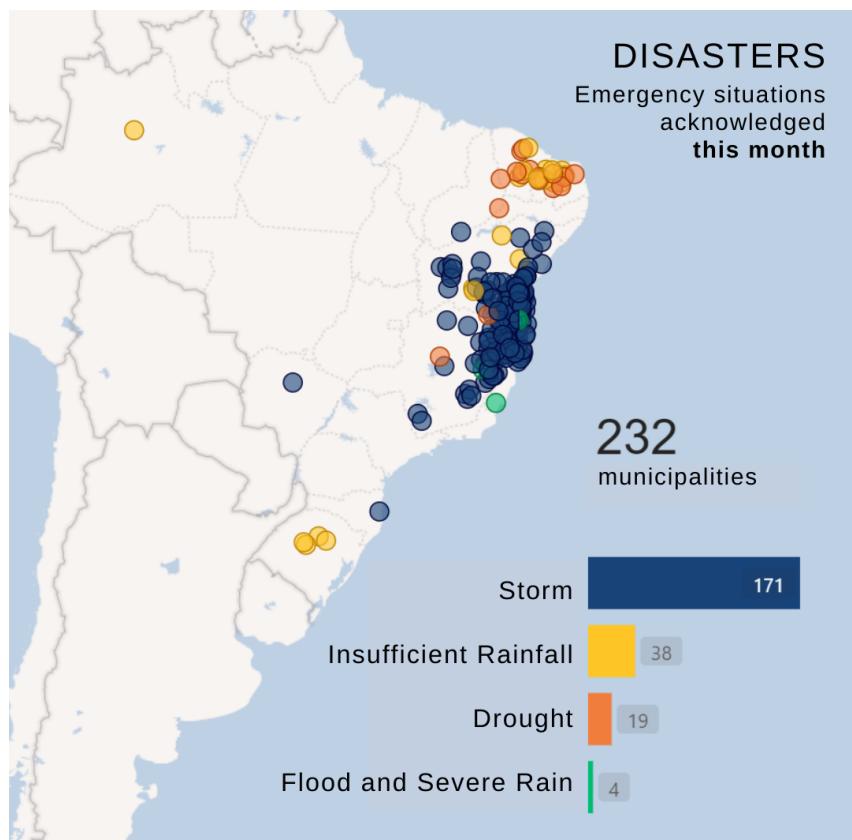
[DECREE No. 10,918, of 29 DECEMBER 2021 - Regulation](#)

Decree No. 10,918 regulates Article 32 of [Law 12,712](#) which authorizes the Federal Government to participate, as shareholder, up to a total limit of R\$ 11 billion, in a fund aiming at enabling the structuring and the development of concession projects and of public-private partnerships of the Federal, State, Federal District and Municipal

governments. It thus creates the Sustainable Regional Infrastructure Development Fund and determines that it may be used for providing specialized technical services aimed at supporting the structuring and the development of concession projects and of public-private partnerships; risk coverage by means of guarantee instruments, including participation in a guarantee fund, and participation in investment funds regulated by the Financial Services Authority (CVM). The fund's activities will prioritize projects located in the North, Northeast and Centre-West Regions. The Board will be composed by representatives from the Ministry for Regional Development, who will chair the Board, from the Chief of Staff of the Presidency, from the Ministry for Infrastructure, and from the Special Secretariat of the Investment Partnerships Programme of the Ministry of Finance.

Theme: Disasters

Emergency was acknowledged for 232 municipalities in December. In over 70% of these it was due to storms, especially in the state of da Bahia.



List of affected municipalities:

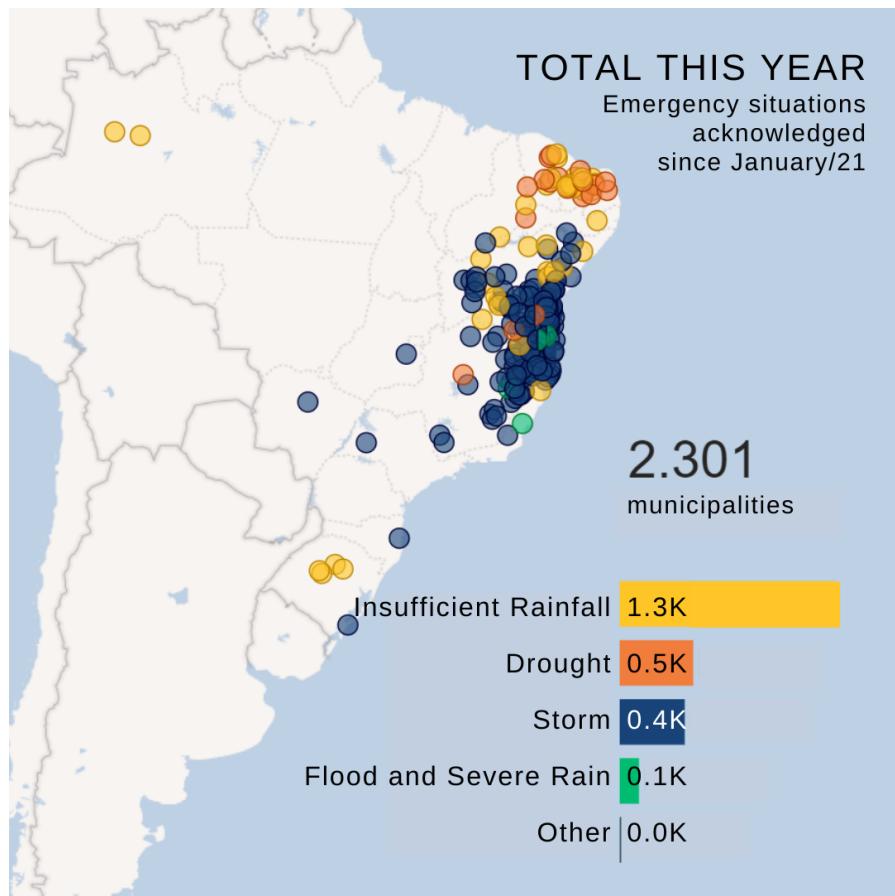
• **INSUFFICIENT RAINFALL** – Iuiú/BA, Nova Soure/BA, Teofilândia/BA, Uauá/BA, São Mateus/ES, Antonio Martins/RN, Graccho Cardoso/SE, Jutai/AM, Buritirama/BA, Ibotirama/BA, Riachao do Jacuípe/BA, Tacaimbó/PE, Dirceu Arcoverde/PI, Francisco Macedo/PI, Portalegre/RN, Macaúbas/BA, Santa Bárbara/BA, Aracoíaba/CE, Retirolândia/BA, Tanque Novo/BA, Palmácia/CE, Riacho de Santana/RN, Uarini/AM, Caicó/RN, Felipe Guerra/RN, João Dias/RN, Rafael Fernandes/RN, Júlio de Castilhos/RS, Botuporã/BA, Upanema/RN, Bodó/RN, Acari/RN, Angicos/RN, Miltá/CE, Acopiara/CE, Fontoura Xavier/RS, Espumoso/RS, Tupanciretã/RS.

• **DROUGHT** – Manoel Vitorino/BA, Mossoró/RN, Passa e Fica/RN, Canindé/CE, Francisco Dantas/RN, Lagoa Nova/RN, Parelhas/RN, Santa Maria/RN, Caridade/CE, Ipueira/RN, São Vicente/RN, Marcelino Vieira/RN, Triunfo Potiguar/RN, Parambu/CE, Jaguaretama/CE, Betânia do Piauí/PI, São Paulo do Potengi/RN, Mombaça/CE, Deputado Irapuan Pinheiro/CE.

• **STORM** – Alcobaça/BA, Belmonte/BA, Caravelas/BA, Guaratinga/BA, Ibirapuá/BA, Ilheus/BA, Itabela/BA, Itagimirim/BA, Itamaraju/BA, Itanhém/BA, Itapebi/BA, Jucurucu/BA, Lajedão/BA, Macarani/BA, Medeiros Neto/BA, Mucuri/BA, Nova Vícose/BA, Santa Cruz Cabralia/BA, Teixeira de Freitas/BA, Vereda/BA, Almenara/MG, Alvarenga/MG, Aracuai/MG, Ataleia/MG, Bandeira/MG, Campanário/MG, Carlos Chagas/MG, Catuji/MG, Conselheiro Pena/MG, Crisólita/MG, Cuparaque/MG, Divino das Laranjeiras/MG, Felisburgo/MG, Franciscópolis/MG, Frei Gaspar/MG, Goiabeira/MG, Itaobim/MG, Jequitinhonha/MG, Jordânia/MG, Mata Verde/MG, Nanuque/MG, Pavao/MG, Pedra Azul/MG, Ponto dos Volantes/MG, Rubim/MG, Santa Maria do Suacuí/MG, São Félix de Minas/MG, Itaberaba/BA, Viana/ES, São José do Norte/RS, Jaguaquara/BA, Ruy Barbosa/BA, São José de Uba/RJ, Jaguaquara/BA, Teolandia/BA, Corinto/MG, Rio Casca/MG, Porto Seguro/BA, Prado/BA, Poco Fundo/MG, Ponte Nova/MG, Ibicuí/BA, Itacaré/BA, Jiquirica/BA, Mascote/BA, Itajuípe/BA, Mucuge/BA, Canindé de São Francisco/SE, Mutuípe/BA, Barra de São Francisco/ES, Dionísio/MG, Serranópolis de Minas/MG, São Gabriel do Oeste/MS, Apuarema/BA, Ribeira do Pombal/BA, Alvinópolis/MG, Anagé/BA, Angical/BA, Arataca/BA, Aurelino Leal/BA, Barra do Choça/BA, Barra do Rocha/BA, Belo Campo/BA, Brejões/BA, Brejolândia/BA, Buerarema/BA, Caatiba/BA, Cachoeira/BA, Caetanos/BA, Camacan/BA, Camamu/BA, Canavieiras/BA, Caturama/BA, Coaraci/BA, Cotelândia/BA, Cravolândia/BA, Dário Meira/BA, Dom Basílio/BA, Esplanada/BA, Feira de Santana/BA, Firmino Alves/BA, Floresta Azul/BA, Gandu/BA, Gongogi/BA, Governador Mangabeira/BA, Ibicaraí/BA, Ibicuí/BA, Ibipeba/BA, Ibirapitanga/BA, Ibirataia/BA, Ibitiara/BA, Igapó/BA, Iguaí/BA, Ipiaú/BA, Itabuna/BA, Itaeté/BA, Itajá do Colônia/BA, Itapé/BA, Itapetinga/BA, Itapitanga/BA, Itaquara/BA, Itarantim/BA, Itapororó/BA, Ituberá/BA, Jequié/BA, Jitaúna/BA, Jussari/BA, Jussiape/BA, Lafaiete Coutinho/BA, Laje/BA, Livramento de Nossa Senhora/BA, Manoel Vitorino/BA, Marçônio Souza/BA, Milagres/BA, Nazaré/BA, Nilo Peçanha/BA, Nova Canaã/BA, Pau Brasil/BA, Piraí do Norte/BA, Poções/BA, Potiraguá/BA, Presidente Jânio Quadros/BA, Presidente Tancredo Neves/BA, Ribeirão do Largo/BA, Rio de Contas/BA, Santa Cruz da Vitória/BA, Santa Inês/BA, Santa Maria da Vitória/BA, Santanópolis/BA, São Félix/BA, Sapeaçu/BA, Tabocas do Brejo Velho/BA, Tanhaçu/BA, Taperoá/BA, Ubaíra/BA, Ubaitaba/BA, Ubatã/BA, Uruçuca/BA, Valença/BA, Vitória da Conquista/BA, Wanderley/BA, Wenceslau Guimarães/BA, Eunápolis/BA, Mundo Novo/BA, Baixa Grande/BA, Itambé/BA, Encruzilhada/BA, Boa Vista do Tupim/BA.

• **FLOOD AND SEVERE RAIN** – Itarantim/BA, Camacan/BA, Vargem Alta/ES, Frei Inocêncio/MG.

- **WIND STORM** – Osvaldo Cruz/SP.
- **OTHER** – HAIL: Bom Jesus/RS, Canelinha/SC.



Theme: Energy

[ORDINANCE No. 8/CNPE, of 26 NOVEMBER 2021 - Regulation](#)

Ordinance No. 8 extends until 23 February 2022 the deadline for the conclusion of the works of the Working Group created by Resolution CNPE No. 18, of 5 October 2021 to analyse and propose criteria for the predictability of the minimum mandatory biodiesel blend in B diesel oil.

PRESIDENTIAL ORDER – Regulation

It approves Resolution 25/2021 by the National Energy Policy Council (CNPE), determining that it is in the interest of the National Energy Policy to set the rate of the mandatory blend of biodiesel on fossil diesel oil at 10% for the year 2022. According to RenovaBIO goals, the minimum mandatory biodiesel blend percentage of 13% should have been in force since March 2021, but it was constantly reduced throughout the year. It thus compromises reaching the 15% biodiesel blend goal by 2023.

NORMATIVE ORDINANCE No. 32/GM/MME, of 17 DECEMBER 2021

- Planning

Sets the estimated schedule for holding Electric Power Purchase Auctions from Net Generation Projects, Electric Power Purchase Auctions from Existing Generation Projects, Auctions for Hiring Capacity Reserve, and Auctions for Supply to Isolated Systems for 2022, 2023 and 2024. In 2022, the following Auctions will take place: "New Energy Auction", "Auction for Supply to Isolated Systems", "Auction for Hiring Capacity Reserve", and "Auctions of Existing Energy". In 2023, the following Auctions will take place: "Auction for Hiring Capacity Reserve", "New Energy Auctions", "Auction for Supply to Isolated Systems", "Auction for Hiring Capacity Reserve", and "Auctions of Existing Energy". And in 2024, the following Auctions will take place: "Auction for Hiring Capacity Reserve", "New Energy Auctions", "Auction for Supply to Isolated Systems", "Auction for Hiring Capacity Reserve" and "Auctions of Existing Energy". It revokes Ordinance No. 435/GM/MME, of 4 December 2020; and Ordinance No. 436/GM/MME, of 4 December 2020.

PRESIDENTIAL ORDER - Flexibilization

Amends Resolution CNPE No. 17, of 8 June 2017, authorizing the National Agency for Petroleum, Natural Gas and Biofuels (ANP) to define and offer for bidding, in Permanent Offer, for the concession regime, blocks in any terrestrial or marine basins, as well as offer for bidding returned fields or fields in the process of being returned, excluding blocks in the Pre-Salt Area and in Strategic Areas, among other matters. For a country intending to decarbonize to meet goals agreed to at COP 26, it seems that the intention is not to reduce emissions from fossil fuel sources. Additionally, all blocks already considered as a problem for being located in sensitive areas like the Mouth of the Amazon River (Amazon Mouth Basin), underwater Montes of the Fernando de Noronha Chain (Potiguar Basin) and the

Abrolhos Bank (Camamu-Almada Basin), are still made available for bids in the Permanent Offer.

Theme: Pollution

LAW No. 14,260, of 8 DECEMBER 2021 – Legislation

Law No. 14,260 establishes incentives to the recycling industry and creates the Support Fund for Recycling Actions (Favorecicle) and the Investment Funds for Recycling Projects (ProRecicle). It creates a National Recycling Incentive Commission (CNIR), designed to set guidelines for the recycling activity, as well as to monitor and evaluate incentives set by the rule. The Commission will be chaired by the Ministry for the Environment (MMA). The Financial Services Authority (CVM), after hearing the MMA, shall regulate the composition, the operations and management of ProRecicle.

Theme: Climate Change

ORDINANCE MCTI No. 5,435, of 20 DECEMBER 2021 -

Institutional Reform

The Climate Network (Rede Clima) will have a Steering Committee composed of: I - one representative from the Research and Scientific Training Secretariat of the MCTI - Ministry of Science, Technology and Innovation (coordination) II - one representative from the Nature Sciences Department of the Research and Scientific Training Secretariat of the Ministry of Science, Technology and Innovation; III - one representative from the General-Coordination of Climate Science and Sustainability of the Nature Sciences Department of the Research and Scientific Training Secretariat of the Ministry of Science, Technology and Innovation; IV - one representative from the National Council for Scientific and Technological Development (CNPq); V - one representative from the Innovation and Research Funding Agency (FINEP); VI - one representative from the National Centre for Natural Disasters Monitoring and Waring (Cemaden); and VII - one representative from the National Institute for Space Research (INPE). It will also have a Scientific Coordination area composed of: I - one Scientific Coordinator and II one Scientific Deputy-Coordinator. Both must be researchers with recognized competence in the relevant areas of knowledge and will be appointed by the Research and Scientific Training Secretary of the Ministry of Science, Technology and Innovation. It repeals Ordinance MCT No. 728, of 20 November 2007,

Ordinance MCT No. 262, of 2 May 2011, and Ordinance MCTI No. 1,295, of 16 December 2013. Ordinance MCTI No. 5,435 enters into force on 3 January 2022.

RESOLUTION CDSA/MAPA No. 1, of 23 DECEMBER 2021 - Planning

Resolution No. 1 creates the Working Group with the objective of monitoring the progress of ongoing legislative initiatives for structuring a domestic carbon market and proposing alternatives for the operationalization of that market regarding the agricultural and livestock sectors. The Working Group will work for 60 days, extendable once for 30 more days. The tasks of the Working Group include to carry out an evaluation of ongoing legislative initiatives to structure a domestic carbon market, to identify the points of interest of the Ministry of Agriculture, Livestock and Food Supply (Mapa), and to carry out negotiations with parliamentarians to ensure that any approved project contemplates the interests of the agricultural and livestock sectors.

RESOLUTION CDSA/MAPA No. 2, of 23 DECEMBER 2021 -

Planning

Creates the Working Group to structure policies and initiatives by the Ministry of Agriculture, Livestock and Food Supply (Mapa) regarding the agenda of promotion and forest economy, environmental conservation and recovery, and the sustainable use of biodiversity considering the goals set forth by the Convention to Combat Climate Change, of the Convention on Biological Diversity, among other international treaties. The Working Group shall guarantee that current actions provide for the achievement of objectives set out in agreements Brazil has signed. The Working Group will work for 60 days, extendable once for 30 more days.

RESOLUTION CDSA/MAPA No. 3, of 23 DECEMBER 2021 -

Planning

Creates the Working Group to assess scenarios, available technologies and to propose strategies for public policies coordinated by the Ministry of Agriculture, Livestock and Food Supply (Mapa), for reducing methane emissions in Brazilian agricultural and livestock industries that do not compromise the sustainable development of agricultural and livestock production chains. The Working Group shall propose national strategies based on identified actions, initiatives, technologies and strategies to promote methane mitigation by the agricultural and

livestock industries. The Working Group will work for 60 days, extendable once for 30 more days.

[RESOLUTION CDSA/MAPA No. 4, of 23 DECEMBER 2021 -](#)

Planning

Creates the Working Group to assess scenarios and to propose mechanisms for the recognition of production from land free from illegal deforestation within the scope of public policies coordinated by the Ministry of Agriculture, Livestock and Food Supply (Mapa). The Working Group shall propose indicators for Mapa to monitor the status of land free from illegal deforestation, in line with SDGs 2.4, 8.5, 8.7, 12.6 and 13.2 and related to the main initiatives in force.

Theme: Mining

[RESOLUTION ANM No. 85, of 2 DECEMBER 2021 – Regulation](#)

Resolution No. 85 addresses procedures for the reuse of tailings and overburden, determining that tailings and overburden are part of the mine where they originated from, even when disposed of outside said area, and even if mining has been suspended. The reuse of tailings and overburden does not depend on a new mineral license when linked to the mine where they originated from and when done by the holder of the mining right in force. The reuse of tailings and overburden disposed in a free area or paid by third parties may only begin after the grant of mining licence. This Resolution enters into force on 3 January 2022.

[ACT No. 267, of 23 DECEMBER 2021- Retreat](#)

Cancels acts granting prior consent to gold mining in São Gabriel da Cachoeira/AM. After the manifestations of the National Mining Agency (ANM), the National Indian Foundation (FUNAI) and of the Chico Mendes Institute for Biodiversity Conservation (ICMBio), the National Defence Council suspended the seven acts published in 2021.

Theme: Water

[ORDINANCE MAPA No. 359, of 9 DECEMBER 2021 – Regulation](#)

Ordinance No. 359 creates, within the scope of the Ministry of Agriculture, Livestock and Food Supply (Mapa), and of an advisory nature, the National Network for Research and the Environmental Monitoring of Aquaculture in Federal Waters (Rede). The Rede will be composed of representatives from the following agencies: (i)

Aquaculture and Fisheries Secretariat (SAP/MAPA); and (ii) – Brazilian Agricultural Research Corporation (Embrapa). Among Rede's competences, we highlight that of providing SAP/MAPA with technical and scientific information to help planning, ordering and monitoring of aquaculture in Federal waters, as well as conducting studies on the possible environmental impacts of aquaculture in Federal waters, and the setting of appropriate indicators for monitoring these impacts. As for Embrapa, we highlight the competences of providing SAP/MAPA with access and conditions for the monitoring and inspection of the activities carried out, and to foster scientific research on the national and regional levels, with a strategic and integrated approach for greater efficiency and effectiveness of aquaculture environmental monitoring. Ordinance No. 359 enters into force on 3 January 2022. In 2020, [DECREE No. 10,576, of 14 DECEMBER 2020](#) was published addressing the grant of use of physical spaces in Federal bodies of water for aquaculture practice. On this subject, read the [exclusive material](#) and the [Pesca por Inteiro](#) publication, both by POLÍTICA POR INTEIRO.

Theme: Indigenous Peoples

[ORDINANCE MJSP No. 506, of 30 NOVEMBER 2021](#) – Response

Authorizes the use of the National Public Security Force (FNSP) in support of the National Indian Foundation (Funai), in the Sararé Indigenous Land, in the state of Mato Grosso, from 6 December 2021 to 26 April 2022.

[ORDINANCE MJSP No. 534, of 3 DECEMBER 2021](#) – Response

Authorizes the use of the National Public Security Force (FNSP) in support of the Federal Police (PF), in the Serrinha Indigenous Land, in the state for Rio Grande do Sul, in activities and services essential to the preservation of public order and the safety of people and property, on an episodic and planned basis, for 30 days.

[ORDINANCE MJSP No. 535, of 6 DECEMBER 2021](#) – Response

Authorizes the extension of the use of the National Public Security Force (FNSP) in support of the National Indian Foundation (Funai), in the Kawahiva do Rio Pardo Indigenous Land, in the state of Mato Grosso, from 12 December 2021 to 9 February 2022.

[ORDINANCE FUNAI No. 440, of 1 DECEMBER 2021 – Response](#)

Ordinance No. 440 extends for six months the period set by Article 1 of Ordinance No. 1,549, of 5 December 2018, as of its final term, restricting the entry, locomotion and permanence of people outside Funai staff in the area of 40,095 hectares and approximate perimeter of 192 kilometres of the Pirititi Indigenous Land, in the municipality of Rorainópolis, in Roraima, with the purpose of locating, monitoring and providing territorial and physical protection to the Pirititi indigenous people.

Theme: Biodiversity

[ORDINANCE No. 3,122, of 8 DECEMBER 2021 – Deregulation](#)

Ordinance No. 3,122 submits to Public Consultation, for 30 days from the date of its publication (13 December), the proposal for a Normative Instruction to regulate the foreign trade of live fish from marine, continental and estuarine waters for ornamental and aquarist purposes.

[LAW N° 14,285, of 29 DECEMBER 2021 - Legislation](#)

Law No. 14,285 amends the Forest Code, the urban land Law, and the Law for land tenure regularization in Federal lands. It determines that the competence over the widths of the Permanent Preservation Areas strips (limits of permanent preservation areas by the margins of any natural watercourse in urban areas) becomes the responsibility of municipalities, according to the master plan. They must enforce the non-occupancy of areas at risk of disasters and the observance of guidelines of the water resources plan, of the basin plan, of the drainage plan or of the basic sanitation plan, in case there is one, and the definition that activities or projects to occupy the urban permanent preservation areas must observe cases of public utility, social interest or of low environmental impact. It alters the concept of consolidated urban area, redefining criteria. (*Read more on the proceedings in section 2. Legislative Branch*)

[NORMATIVE INSTRUCTION No. 1, of 10 DECEMBER 2021 – Regulation](#)

Normative Instruction No. 1 establishes procedures for assessing the extinction risk of Brazilian flora species, and regulates the availability, access and use of data and information used in the process. It establishes the guidelines to be considered, with the assessment of the risk of extinction of Brazilian flora species being a technical-scientific

diagnosis that organizes information on species, identifies and locates the main threats to their conservation, and assesses their extinction risk, supporting: (i) an update of the Official National List of Endangered Brazilian Flora Species; and (ii) the creation of National Endangered Species Conservation Plans (PAN). It will be coordinated by the National Flora Conservation Centre (CNCFlora), a coordination hierarchically linked to the Research Department of the Rio de Janeiro Botanical Garden Research Institute (JBRJ).

ORDINANCE MMA No. 561, of 15 DECEMBER 2021 – Regulation

Ordinance No. 561 establishes the list of constantly endangered native species in its Annex, as an incentive to use native vegetation recompilation methods in degraded or altered areas. Species are classified as: Critically Endangered (CR), Endangered (EN) and Vulnerable (VU). The use of species in the List for recomposing vegetation in degraded or altered areas and for planting does not exempt the licence or activity authorization from the competent environmental agency.

Theme: Environment

RESOLUTION CONAMA No. 503, of 14 DECEMBER 2021 –

Regulation

Resolution No. 503 establishes criteria and procedures for reuse in fertigation systems of effluents from food, beverages, dairy, cold-storage and grease and rendering plants, not applicable to (i) effluents from tanneries and plants producing ethanol, sugar and cachaça; and (ii) fertilizers used for fertigation approved by the Ministry of Agriculture, Livestock and Food Supply (Mapa). The reuse of effluents in fertigation systems will be carried out upon authorization issued by the competent environmental agency, and the authorization holder must present the agronomic project with the respective Technical Responsibility Note (ART). The characterization of the effluent for reuse in fertigation systems must be carried out before the first application and, afterwards, carried out annually, being considered as stabilized if it meets the parameters and maximum values established. The application of stabilized effluent is allowed for fertigation systems in degraded areas and in legally protected areas, except for (i) Full Protection Conservation Units; (ii) Permanent Preservation Areas (APP) of water resources; (iii) in a distance of less than 100 metres from a group of houses and public spaces in an urban area, and this limit may, at the

discretion of the environmental agency, be expanded when environmental conditions, including climate conditions, land uses in the surroundings and forms of application require or justify it, to ensure the neighbourhood is not disturbed by, for instance, odours. The Resolution enters into force on 23 December 2021 and apparently (and despite not being referenced in the rule) it is a regulation provided for in [Resolution CNRH No. 121, of 16 December 2010](#). Fertigation systems already in operation have a one-year-term for complying with the rule. The Federal Prosecution Office (MPF) [declared its position](#) against this approval, claiming that the use of effluents not properly treated for fertigation may accumulate harmful elements in arable soil, surface and underground waters, sediments and food, becoming a latent danger to the environment, to the agents of this production chains, and to rural workers and public health.

[RESOLUTION CVM No. 59, of 22 DECEMBER 2021 - Deregulation](#)

Resolution No. 480 amends Instruction CVM No. 480, of 7 December 2009, and Instruction CVM No. 481, of 17 December 2009. The ESG variable was included in Annex 24 of Normative Instruction CVM 480/2009, which establishes rules on the registration of issuers of securities admitted to trading in regulated securities markets. According to Resolution No. 480, the issuer must periodically present various documents to the Financial Services Authority (CVM), including the one called the reference form (which must be updated annually within five months from the end of the fiscal year). Issuers undergoing judicial reorganization are exempt from this. It stands out as information about the remuneration of the board of directors, of the charter and non-charter board, of the audit committee, of charter committees and committees of audit, risk, financial and remuneration, addressing, concerning the remuneration composition, the relevant key performance indicators, including, if applicable, ESG indicators.

Theme: Traditional Maroon Communities

[NORMATIVE INSTRUCTION INCRA No. 111, of 22 DECEMBER 2021 - Regulation](#)

Normative Instruction No. 111 establishes administrative procedures to be observed by the National Institute of Colonization and Agrarian Reform (Incra) when requested to contribute to federal, state and municipal environmental licensing processes, for works, activities or projects with socio-environmental impacts on traditional maroon

community lands. Incra's contribution will take place in environmental licensing processes for activities or projects: (i) located in traditional maroon communities referred to in item XIII or Article 2 of Inter-ministerial Ordinance No. 60/MMA/MJ/MC/MS, of 24 March 2015; and (ii) that may cause direct socio-environmental, economic, and cultural impacts in traditional maroon community lands. Processes initiated when Normative Instruction No. 01, of 31 October 2018 (by Fundação Cultural Palmares - FCP) was in force will conclude the current stage and the new rules will apply to the next stage. If a traditional maroon community land is identified in the Direct Influence Area (AID) of a project, the Incra, with guidance from the licensing agency, will contact community members to organize hearings.

Theme: Land

NORMATIVE INSTRUCTION No. 112, of 22 DECEMBER 2021 - Regulation

Normative Instruction No. 112 regulates, for the whole country, administrative procedures for the consent of the use of areas in Incra settlement projects by activities of mining, energy, and infrastructure projects that influence the performance of typical National Agrarian Reform Programme (PNRA) activities. The rules in this Normative Instruction do not apply in case of clear incompatibility for the enterprise or activity to coexist with the settlement project, and when there is no alternate location for the intended initiative. The entrepreneur shall request consent for using the area at the the National Institute of Colonization and Agrarian Reform (Incra) regional unit responsible for the settlement project. The concession for the use of areas larger than 2,500 hectares will depend on prior approval by the National Congress. Enterprises or activities must observe practices for environmental conservation and the sustainable use of granted areas, as well as the obligations undertaken for environmental licensing, when applicable, observing the social and cultural aspects, the regional economic development, and the rights of PNRA settlers. Incra will only allow the beginning of enterprises or activities according to specifications from plans, programmes and projects approved by the competent regulatory agency, including measures for environmental control and natural resources management, and requirements from federal, state, municipal or district agencies. When the interested party needs authorization from the government to initiate the enterprise or activity, whenever it does not require an analysis on the merit of the use

of the settlement project area, the authorization may be granted by the competent authority, based on the minimum required documentation. The grant of the area for the installation of the enterprise or activity will only take place after appropriate measures set in the document signed between the entrepreneur and Incra are observed.

ORDINANCE No. 2,197, of 29 DECEMBER 2021 - Response

Ordinance No. 2,197 establishes, under priority and urgency regime, the adoption of administrative actions related to dams located in areas managed by the National Institute of Colonization and Agrarian Reform (Incra). The Area for the Development and Consolidation of Settlement Projects is responsible for monitoring and supervision of activities to be conducted by Regional Superintendencies. The dams were considered as enterprises that need consent to use by Normative Instruction No. 112, of 22 December 2021. Moreover, the Federal Prosecution Office ([MPF](#)) filed a suit to analyse the classification and regulation of environmental risk of dams in agrarian reform settlements.

Theme: Fisheries

ORDINANCE SAP/MAPA No. 516, of 31 DECEMBER 2021 -

Flexibilization

Ordinance No. 516 establishes the Fishing Activity Temporary License, for the artisanal professional fisherman, until 31 December 2022, or until the National Registration at the Fishing Activities General Registry is concluded for professional fishermen, according to deadlines set by Ordinance No. 270, of 29 June 2021 by the Aquaculture and Fisheries Secretariat of the Ministry of Agriculture, Livestock and Food Supply. It repeals [ORDINANCE SAP/MAPA No. 273, of 1 JULY 2021](#).

2. Legislative Branch

POLÍTICA POR INTEIRO's [Legislative Initiatives Database](#), a tool for monitoring new legislative proposals related to the environment and climate change, identified **8 relevant legislative proposals** in December: 4 Bills of Law (PL), 2 Motions (RIC) and 2 Draft Legislative Decree (PDL).

2.1 Proposals Presented

We highlight the following proposals identified in December 2021:

- [Draft Legislative Decree \(PDL\) 1,110/2021](#), by representative Joenia Wapichana (REDE/RR), aiming at stopping the effects of Prior Consent Acts numbers 042/2021, 086/2021, 108/2021, 111/2021, 115/2021, 121/2021, 125/2021, 133/2021, 147/2021, 153/2021, 164/2021, 165/2021, 206/2021, 211/2021 and 215/2021 of the National Defence Council of the Presidency.
- [Draft Legislative Decree \(PDL\) 1,109/2021](#), by representative Leo de Brito (PT/AC), aiming at stopping the effects of authorization acts granted for prior consent to probe for gold ores, by the minister of the Institutional Security Office (GSI), General Augusto Héleno.
- [Bill of Law \(PL\) 4,436/2021](#), by representatives Helder Salomão (PT/ES), Patrus Ananias (PT/MG), Vivi Reis (PSOL/PA), Paulo Teixeira (PT/SP), Talíria Petrone (PSOL/RJ), aiming at amending Law No. 7,802, of 11 July 1989, addressing the approval of pesticides and similar products.
- [Bill of Law \(PL\) 4,450/2021](#), by representatives Rodrigo Agostinho (PSB/SP), Túlio Gadêlha (PDT/PE), Joenia Wapichana (REDE/RR), Nilto Tatto (PT/SP), Jandira Feghali (PCdoB/RJ), Alessandro Molon (PSB/RJ), Marcelo Freixo (PSB/RJ), Tabata Amaral (PSB/SP), Áurea Carolina (PSOL/MG), David Miranda (PSOL/RJ), addressing the denial of registry at the Environmental Rural Registry (CAR) of rural properties in protected areas and in non-assigned public forests, the CAR validity suspension for properties with illegal deforestation and

the automatic mandatory remote embargo in the case of illegal deforestation in rural properties, among other matters. It is being called the Red Light Bill of Law for Illegal Deforestation.

- [Bill of Law \(PL\) 4,453/2021](#), by representative Nereu Crispim (PSL/RS), aiming at creating the National Programme for Nature Conservation in Urban Areas, with the goal to promote the conservation of native vegetation preservation areas or replanting according to the biome management plan, and authorizes tax deductions by individuals and companies for expenses with said program; is also amends Law No. 9,250, of 26 December 1995.
- [Bill of Law \(PL\) 4,464/2021](#), by senator Alessandro Vieira (CIDADANIA/SE), aims at amending Law No. 12,431, of 24 June 2011, to consolidate the incentive to issuing debentures aimed at projects of investment in sustainable development (green debentures).
- [Motion \(RIC\) 1,457/2021](#), by representative José Ricardo (PT/AM), requests General Augusto Heleno, the Minister of the Institutional Security Office of the Presidency, to send a full copy of the procedures and of the set of normative acts that resulted in the authorization to mine gold in Amazon reserves.
- [Motion \(RIC\) 1,455/2021](#), by representative Nilto Tatto (PT/SP), requests to the minister of Agriculture, Livestock and Food Supply information on Incra processes of interest to Belo Sun Mineração LTDA company, and on the situation of settlement projects in the state of Pará.

2.2 Approvals

- [Bill of Law \(PL\) 5,085/2020](#), by representative Nilto Tatto (PT/SP), aiming at amending Law No. 12,787, of 11 January 2013, to address the licensing of irrigation enterprises. It was [approved](#) at the Committee on Agriculture, Livestock, Supply and Rural Development of the Chamber of Deputies. It will proceed conclusively, being analysed by the Committee on the Environment and Sustainable Development and the Committee on the Constitution, Justice and Citizenship (CCJ).
- [Bill of Law \(PL\) 5,518/2020](#), by representatives Rodrigo Agostinho (PSB/SP), Zé Vitor (PL/MG), Aline Gurgel (REPUBLIC/AP), Zé Silva (SOLIDARI/MG), Bosco Saraiva

(SOLIDARI/AM), Enrico Misasi (PV/SP), Joaquim Passarinho (PSD/PA), Átila Lins (PP/AM), Sidney Leite (PSD/AM), aiming at amending Law No. 11,284, of 2 March 2006, to expedite the bidding process, give more flexibility to contracts and make the forest concession business model more attractive; it was **approved** at the Committee on the Environment and Sustainable Development of the Chamber of Deputies, with conclusive proceedings, now being analysed by the Committee on Finances and Taxation, and the Committee on the Constitution, Justice and Citizenship (CCJ).

- **Bill of Law (PL) 2,510/2019**, by representative Rogério Peninha Mendonça (MDB/SC), which aims at amending Law No. 12,651, of 25 May 2012, addressing urban permanent protection areas and in metropolitan regions, was **approved** in the Chamber of Deputies, now going for presidential sanction.
- **Conversion Bill of Law (PLV) 27/2021**, aims at converting into Law the Provisional Measure 1,063/2021, which amends Law No. 9,478, of 6 August 1997, and Law No. 9,718, of 27 November 1998, to address alcohol purchase and sales operations, marketing of fuels by retailers and contributions to the Social Integration Programme, to the Civil Servants Savings Contribution Programme (PIS/Pasep), and to the Contribution for the Financing of Social Security (Cofins) for said operations. It was **approved** in the Senate, now going for presidential sanction.
- **Relatório Setorial do Meio Ambiente (PLN 19/2021)**, by representative Beto Faro (PT/PA), regarding the programme for budgetary units in Theme Area XII – Environment, was **approved** in the Mixed Budget Commission of the Chamber of Deputies.
- **Senate Bill of Law (PLS) 93/2018**, by senator Rose de Freitas (MDB/ES), aiming at amending Law No. 12,305, of 2 August 2010, which created the National Solid Waste Policy, to establish that manufacturers, importers, distributors, and traders of industrialized products are obligated to set reverse logistics and recycling systems within five years. It was **approved** in the Senate's Committee on the Environment (CMA).
- **Bill of Law (PL) 3,754/2021**, by senator José Serra (PSDB/SP), addressing the organization of railway transportation, the use of railway infrastructure, the grant types for future indirect

exploitation of railways in Brazil, the urban operations associated to them, among other matters. It was **approved** in the Chamber of Deputies.

- **Bill of Law (PL) 5,829/2019**, by representative Silas Câmara (REPUBLIC/AM), aims at establishing the distributed micro- and mini-generation legal framework, the Electric Power Clearing System (SCEE) and the Social Renewable Energy Programme (PERS); it amends Law No. 10,848, of 15 March 2004, and Law No. 9,427, of 26 December 1996, among other matters. It was approved in the **Federal Senate** and in the **Chamber of Deputies**.

2.3 Relevant Actions

Pre-recess halt: The mobilization against the land tenure regularization (Bill of Law 2,633/2020 and Bill of Law 510/2021, nicknamed 'Land Grabbing Bills of Law') and of environmental licensing succeeded in stopping the conclusion of their proceedings in 2021. The Senate Environmental (CMA) and Agriculture (CRA) Committees did not conclude on schedule their analyses on the matters, which are important elements on the Government's priority agenda. However, as soon as Congress returns from recess, they will be on the agenda for appreciation.

Mining: A proposal for reviewing the Mining Code (Decree-Law 227/67) is proceeding in the Chamber of Deputies, within the scope of the Minera Working Group. The voting of the Clean Bill presented by representative Greyce Elias (Avante/MG) for this **controversial proposal** was scheduled. However, due to **lack of consensus** among members of parliament, it was removed from the agenda.

Urban Permanent Protection Areas (APPs): After being approved in the Chamber of Deputies, Bill of Law No. **2,510/2019** was sent for sanction. It paves the way for deforestation of river margins in urban areas. Law No. 14,285 was passed with two vetoes in Article 4 (*as described in section 1. Executive Branch*), regarding the waiver of a mandatory preservation strip for each margin, if built by 28 April 2021 with environmental compensation requirement. The law shall end up being questioned at the Federal Supreme Court (STF) for

non-conformity with existing legislation, such as the Atlantic Forest Law.

Araucária: [Bill of Law \(PL\) 5,967/2019](#), by representative Aroldo Martins (REPUBLIC/PR), originally addressing the economic use of *Araucaria Angustifolia*, was considerably amended by opinions and Clean Bills by representative Aline Sleutjes (PSL/PR) and now has the following caption: “Created the National Plan for Biodiversity Conservation and Sustainable Management, establishes criteria for the inclusion in the list of endangered species, among other matters”. A new opinion was issued on the Bill in December ([PRL 2 CAPADR => PL 5,967/2019](#)).

3. 2021 Retrospective

A government that replies, a government that hides: one more year of reactive, non-purposeful and non-transparent climate policies

The Federal Government continues presenting reactive policies, with little implementation of initiatives that may lead the country to the forefront of climate action. The change in command at the Ministry for the Environment did not mean a sharp change in direction for Brazilian environmental and climate policies. The environmental dismantling, going on since 2019, continued its course, only more discreetly. In the Legislative Branch, the allied base was intent on approving the Government's priority agenda, like environmental licensing, land tenure regularization and privatizations. The mobilization of civil society slowed down part of these matters. Many issues reached the Judiciary, which brought by a few relevant victories for the preservation of ecosystems and the mitigation of climate change.

ACTIONS AND FACTS 1st semester

Environment	Forest+Agro
Fisheries	Authorization for trawling The issue was dragged into the STF
Biodiversity	Adopt a Park The programme became an orphan in the 2nd semester
Indigenous Peoples	Indigenous Heteroidentification Funai's rule was suspended with an admonition from Barroso in the STF
Environmental Offences	Flexibilization of the methods for investigating environmental offences Federal Police Handroathus and Akanduba Operations on illegal timber schemes Increases discomfort and pressure on Salles
Climate Change	Bolsonaro at Biden's Leaders Summit on Climate The host left the room of the online event during the Brazilian's speech

Eduardo Bim's removal from office and the fall of Ricardo Salles

2nd semester

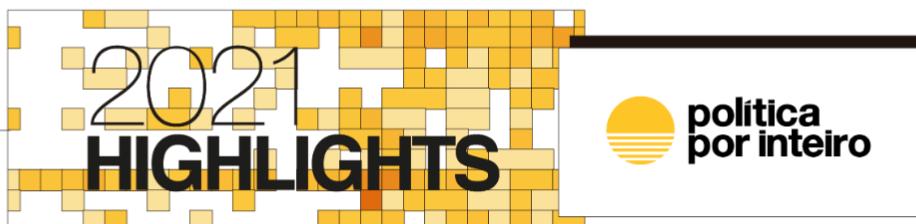
Institutional	CONAMA resumption
Mining	Minera Working Group Incentive actions and discourses cause boom of illegal mining in the Amazon
Institutional	Decision contrary to the merger of Ibama and ICMBio
Institutional	Green Growth Plan
Agriculture	Green CPR
Climate Change	Proposal for reviewing the PNMC and creating WGs
Climate Change	COP26 The Brazilian civil society and governors take the lead

Attacks to Indigenous Peoples

The intensification of the Covid-19 pandemic continued to have catastrophic effects on the forest peoples.

The protection of these communities, a State prerogative, had to be demanded in Courts.

The xenophobic speeches and illegal practices fostered attacks to indigenous peoples and their lands, where hunger and violence spread.



**política
por inteiro**

LEGISLATIVE

Payment for Environmental Services is now a Law

The National Policy of Payment for Environmental Services was sanctioned, and the vetoes of President Jair Bolsonaro were overridden, recovering the governance and transparency mechanisms of the Law, which was a negotiated consensus among ruralists and environmentalists

Privatized with a 'tortoise'

The privatization of Eletrobras passed through Congress and redefined more than only the direction of the company's controlling interest, it affected the planning of the electricity sector as a whole. (*A 'tortoise' is a parliamentary amendment that alters or distorts the original purpose of a Bill.*)

Postponed to 2022

A law proceeded through Congress and was sanctioned granting City Authorities the authorization to define rules for Environmental Protection Areas in rivers in urban areas. Environmentalist entities shall take the matter to the courts.

Postponed to 2022

The Bills of Law of the Carbon Market, of the Land Tenure Regularization (the Land Grabbing Bill of Law), and of the Environmental Licensing are advancing in Congress, but proceedings are not yet concluded.

DEFORESTATION

Official 2021 deforestation data for **the Amazon** reached a record high for the last 15 years.

The rate of 13,235 sq km, between August 2020 and July 2021, detected by the National Institute for Space Research (Inpe) was strategically communicated after COP26, despite the report being finished before the summit.

JUDICIARY

The 11th member

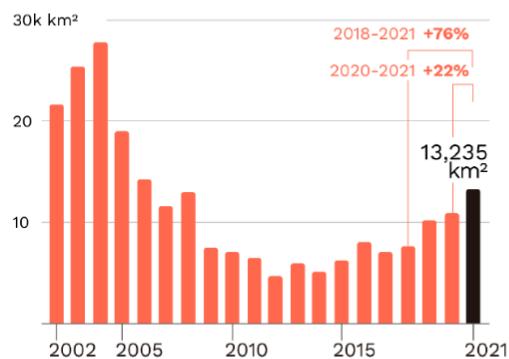
André Mendonça waited for almost 5 months, but finally was approved by Congress for the position of Marco Aurélio Mello in the Federal Supreme Court (STF). Now there are two judges appointed by Bolsonaro in the STF: Mendonça and Kássio Nunes Marques.

Walkover

The STF unanimously re-established Resolutions CONAMA No. 284/2001, No. 302/2002 and 303/2002. They address the protection of preservation areas around mangroves and sandbanks, and the environmental licensing of irrigation projects.

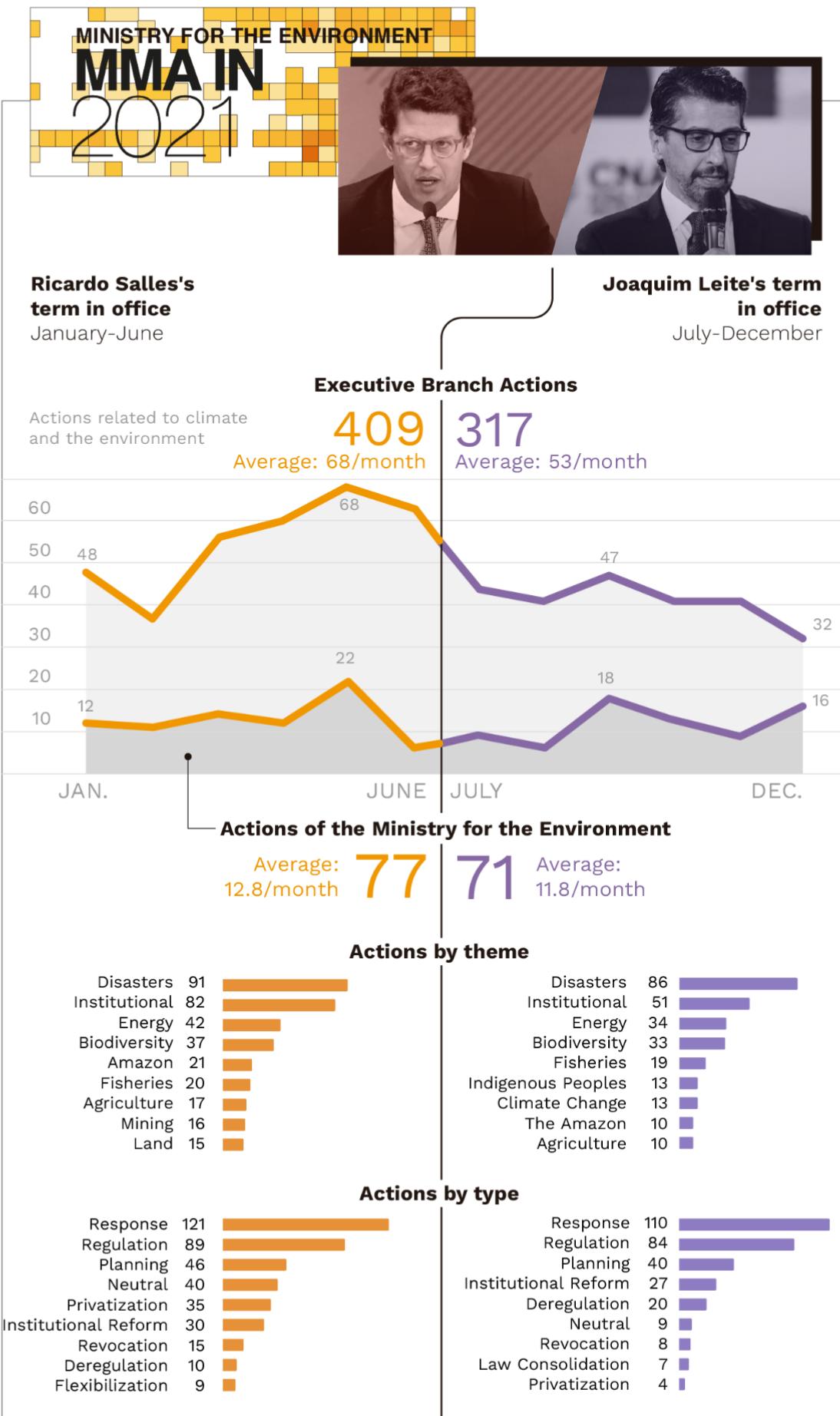
Time Framework left for 2022

The trial of the time framework for indigenous lands started at the STF but a request to see the record adjourned the session in September. In October, Alexandre de Moraes returned the request, and the action now awaits scheduling by Chair Judge Luiz Fux.



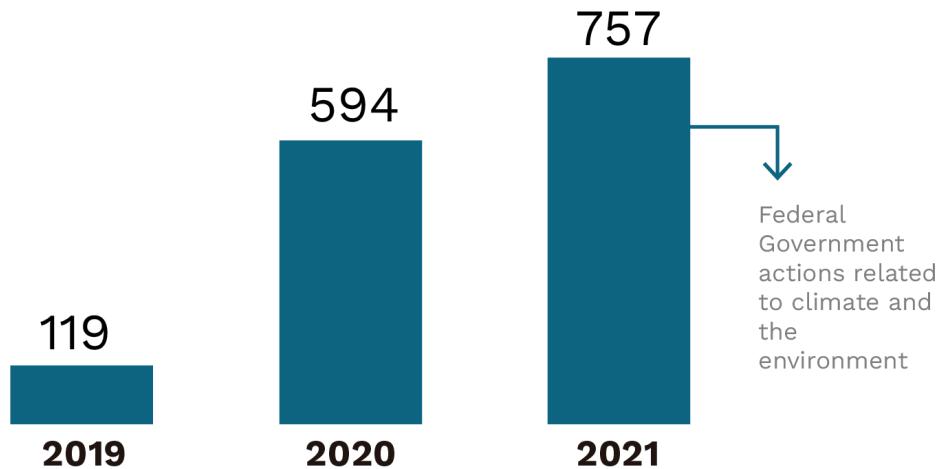
Source: Prodes (INPE). Measured from August to July of the following year.


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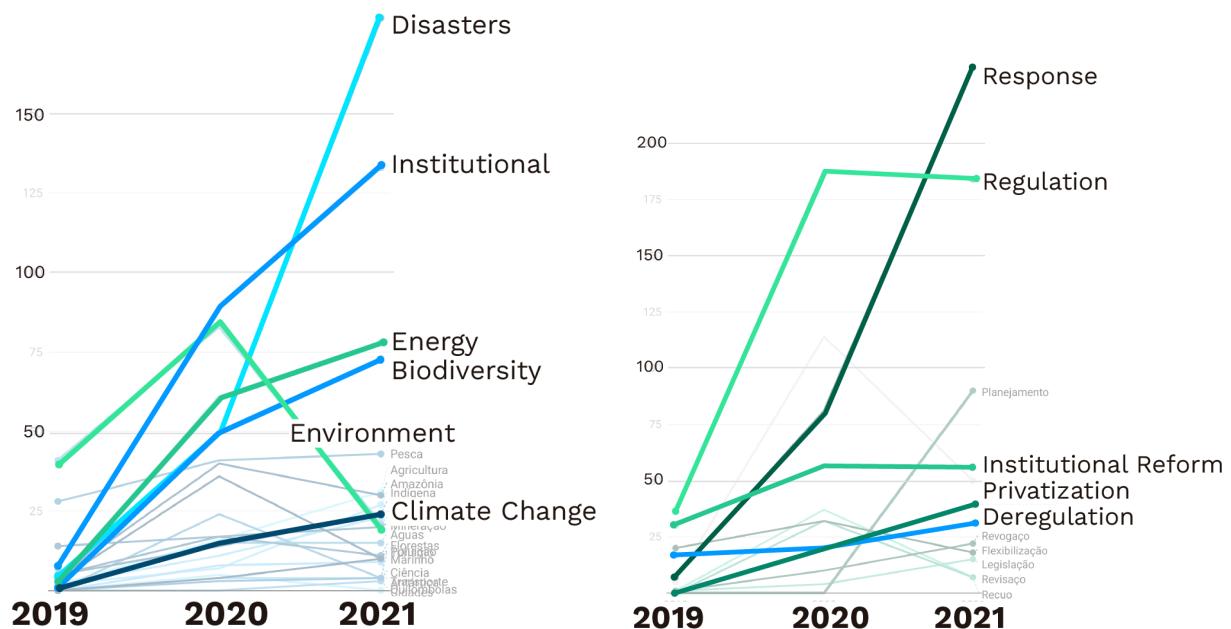


2019-2021 Retrospective

Total of Executive branch actions identified each year by the [Government Actions Tracker](#) since monitoring started



Actions by Theme and by Type



4. Analysis

Crises / Setbacks / Controversy

Lack of transparency: A [study conducted by Achados e Pedidos \(Lost and Found\)](#) - an initiative by the Fiquem Sabendo (*Be Informed*) data agency, of the Brazilian Association of Investigative Journalism (Abraji), indicates that 47% of the information on the monitoring of actions of the Ministry for the Environment (MMA) are to some extent incomplete and /or are unavailable, displaying the worst performance regarding environmental policies and programmes for the Amazon, especially the Protected Areas of the Amazon Programme(ARPA Programme).

Interference in public administration: President Jair Bolsonaro [stated](#), during an event at the Federation of Industries of the State of São Paulo (Fiesp), that he had fired directors of the Institute of National Historical and Artistic Heritage (Iphan) after an alleged halt in Luciano Hang's work, businessman and owner of the Havan chain. According to Bolsonaro, the people he appointed were put there "so there would be no headache". As a consequence, the Federal Prosecution Office (MPF) asked for Iphan's president to be removed from office, the [injunction was granted](#), but soon [suspended](#). And senator Randolfe Rodrigues (REDE/AP) [pressed charges at the Federal Supreme Court \(STF\)](#) against Bolsonaro for misconduct in office and influence peddling.

Civil Servants under Attack: Staff from the Rondônia State Development Secretariat (SEDAM) were ambushed by invaders when doing their rounds (with the presence of the Environmental Military Police) around the Guajará-Mirim State Park, as reported by [\(\(o\)\)eco](#).

Indigenous Peoples and Traditional Communities: What could be the [agenda of the 11th Ordinary Meeting of the National Council of Traditional Peoples and Communities \(CNPCT\)](#) was communicated on social networks. In it, was included voting for creating a Technical Chamber aiming at the recognition of "Peoples working with Panning and Livestock as Traditional Peoples and Communities (PCTs)". There were reactions, including a [clarification note from the civil society of the](#)

CNPCT itself. Thus, a new Working Group was created to hear Traditional Peoples and Communities researchers, anthropologists, and related institutions for building criteria for determining what can be defined as PCTs. This controversy happened when illegal mining in Rio Madeira – the target of inspection actions after the broadcast of alarming barge images – was supported by mayors of neighbouring municipalities, with the argument that mining should be considered as “family mineral extractivism”.

Decision on time framework scheduled: The decision on the Extraordinary Appeal (RE) 1017365, which analyses the use of the time framework to the demarcation of indigenous lands is scheduled for June 2022 at the Federal Supreme Court (STF).



RE 1017365
PROCESSO ELETRÔNICO PÚBLICO
REP. GERAL TEMA: 1031

Informações Partes Andamentos Decisões Sessão virtual Deslocamentos Petições Recursos Pautas

17/12/2021 Incluído no calendário de julgamento pelo Presidente Data de Julgamento: 23/06/2022

Mining in Cabeça do Cachorro: A news piece by Folha showed that General Augusto Heleno, minister-chief of the Institutional Security Office of the Presidency (GSI), authorized, in an unprecedented way, seven gold exploration projects in an isolated region in the Amazon close to indigenous peoples and near the border (in São Gabriel da Cachoeira, in the far Northwest of the Amazon, in an area known as Cabeça do Cachorro - Dog's Head). As a consequence, the Committee on Financial Inspection and Control of the Chamber of Deputies approved a request by representative Elias Vaz (PSB/GO) inviting Augusto Heleno to clarify. There have been legislative proposals to stop the effects of these authorization acts (*listed in section 2. Legislative Branch*). In response to the pressure and to the manifestation of the National Mining Agency (ANM), Chico Mendes Institute for Biodiversity Conservation (ICMBio) and the National Indian Foundation (FUNAI), the seven acts granting prior consent to gold mining in São Gabriel da Cachoeira and vicinities were suspended (*the rule that suspended these acts is listed in section 1. Executive Branch, listed as Response*).

Mining in Settlements: According to a news piece by [Estadão](#), a contract was signed between the National Institute of Colonization and Agrarian Reform (Incra) and gold mining company Belo Sun to enable the Volta Grande Project, located near the Belo Monte hydroelectrical plant, directly impacting the Ressaca and gleba Ituna settlements, where around 600 families live. The Incra issued a [clarification note](#), stating that “the concession of mining rights is not Incra's attribution” and that “a Use Concession Contract (CCU) was signed for 2,428 hectares to Belo Sun”, and “from this total, 1,439 hectares overlap with the Ressaca settlement (located in the municipalities of Altamira and Senador José Porfírio), with approximately 41 thousand hectares in all”, and that “there will be no removal of families”.

Re-establishment of protection to sandbanks and mangroves: A decision was reached in the Federal Supreme Court (STF) on Petitions of Non-compliance with Fundamental Precept (ADPFs) No. 747 and No. 749, which addressed the constitutionality of Resolution CONAMA 500/2020 (which had repealed Resolutions CONAMA 284/2001, 302/2002 and 303/2002), with a unanimous decision for the unconstitutionality of the rule, i.e., for the return to the rules formerly in force about the protection of the surroundings of preservation areas of mangroves and sandbanks and the environmental licensing of irrigation projects. The decision on [ADPF 748](#), with an object similar to that of ADPF 747 and ADPF 749, was postponed because Judge Dias Toffoli requested to see the record, and the voting is currently 5-0 in favour of the unconstitutionality of Resolution CONAMA 500/2020.

In the final vote, Judge Rosa Weber affirmed: “The Brazilian Government has the duty to maintain efficient public policies that defend and preserve an ecologically balanced environment, as well as to preserve and to restore ecologically essential processes”.

Check POLÍTICA POR INTEIRO's [post](#) on this subject.

Disasters: Many of the declarations of state of emergency from December refer to municipalities in the South of the state of Bahia, where strong rains [affected over 220 thousand people](#), leaving more than 260 injured and at least 6,371 homeless and 15.199 displaced, according to the Civil Defence and Protection Superintendence of the State of Bahia (Sudec). After the rains, a few municipalities affected by floods, like Itabuna, face an [outbreak of influenza](#).

Pesticides: The 6th act in 2021 communicating the approval of pesticides was published on the last day of the year with 51 authorizations. In 2021 alone, 372 new pesticides were approved.

Ongoing Policies

Agribusiness Sustainable Development Committee: The creation of four working groups by resolutions discussed in section [1](#). **Executive Branch**, show that the Ministry of Agriculture, Livestock and Food Supply (Mapa) intends to take the lead in the commitments made by Brazil at COP26, setting the course of action from the agribusiness' standpoint.

Forest+: A (private) [seminar](#) took place where the Ministry for the Environment (MMA) and the UNDP presented the results of the “refined” Forest+Amazon. According to information presented during the event, the Forest+Amazon is near the end of its initial stage, with four additional years for development and implementation. The following programme modalities were introduced “Conservation Modality” (incentives to small farmers for the conservation of native vegetation areas above the minimum legal requirements), “Recovery Modality” (incentives to rural producers in the Legal Amazon for the recovery of Permanent Preservation Areas - APPs), and the “Innovation Modality” (the development of solutions and projects for the environmental services and conservation markets). The resources for the Forest+Amazon come from the Green Fund for the Climate.

Endangered Species /CONABIO: There is still lack of information and lack of transparency regarding the work and progress of the National Biodiversity Commission (CONABIO). Since the communication of the agenda of the 66th meeting, held in June/2021. The agenda included the proposal of a new list of endangered flora and fauna species, but no other document was publicised, neither agendas nor minutes. It is known that two other meetings were held, the 67th (on 18 August 2021) and the 68th (08 December 2021), when institutions like the National Confederation of Industry (CNI) and the Brazilian Agricultural Research Corporation (Embrapa) questioned the list of endangered flora species (prepared by the Rio de Janeiro Botanic Garden) and CNI and the Aquaculture and Fisheries Secretariat of the Ministry of Agriculture, Livestock and Food Supply (SAP/MAPA) questioned the list of endangered fauna species (prepared by the Chico

Mendes Institute for Biodiversity Conservation (ICMBio). Check POLÍTICA POR INTEIRO's [post](#) on the importance of CONABIO.

Rehearsal

Green Growth Programme: There is still no information regarding initiatives, progress, goals, and objectives of the programme launched in the last week of October and constantly spotlighted by minister Joaquim Leite.

On Hold

Judiciary: In the Federal Supreme Court (STF), important lawsuits related to socio-environmental and climate agendas are pending decision, having been held up for months, such as:

- *ADPF 708* (Petition of Non-compliance with Fundamental Precept) - Federal government omission by not adopting administrative measures for the functioning of the “CLIMATE FUND”.
 - After public hearings on 21 and 22 September 2020, transcriptions of public hearings were added to the records on 16 March 2021, and a decision is awaited since then.
- *ADPF 760* (Petition of Non-compliance with Fundamental Precept) - omissive and commissive acts by the federal government are making it impossible to effectively carry out the State policy aimed at fighting deforestation in the Legal Amazon and the Action Plan for Prevention and Control of Deforestation in the Legal Amazon (“PPCDAm”).
 - Awaiting decision.
- *ADO 59* (Direct Action of Unconstitutionality by Omission) - omission of the Federal government regarding the adoption of a measure aiming at interrupting the standstill of the “AMAZON FUND”.
 - Awaiting decision.

Adopt a Park: The programme, launched in February 2021 with much publicity and full of promises, is still stopped. Since June 2021, there has been no public session with new proposals. So far only eight proposals have been formalized, No Working Plan has been communicated to the public, despite the offer of 132 Legal Amazon Conservation Units in the first stage of the programme. Little is known

about the progress and the definition of what will be “adopted”. The programme, always mentioned by former minister Ricardo Salles, was seldom mentioned during Joaquim Leite's term in office, and it seems to have been “left out” from the agenda of the Federal government. During a [live broadcast](#) in December, Marcos Simanovic, ICMBio', president, said: “*We have the now consolidated adoption of Javari Buriti ARIE by Coca Cola. We have the signature for this adoption process*”. However, on ICMBio's [website](#), there is no adoption term signed related to the Adopt a Park Programme. According to a [notice](#), the adoption should theoretically have been formalized within 20 working days after the communication of the final result. However, it is not known if this deadline was met or even according to what conditions this adoption by Coca-Cola was conducted. Additionally, there is no information regarding the other “adoptions”, and from what ICMBio's president said, it can be inferred that they have not progressed.

On the Radar

ESG (Environmental, Social and Corporate Governance):

Resolution 59/2021, included the ESG agenda in the information listed companies must provide, and as discussed in section [1. Executive Branch](#), publicly held companies will have to adapt their systems and their routines to prepare their reference forms. The [rule enters into force in 2023](#), with the base date of the fiscal year ended in 2022. Thus, in practice, companies must get ready to follow the new rule.

Environmental, social and corporate governance aspects (ESG) were included in the "practice-or-explain" format. This means there is no obligation to comply with requirements, but you are requested to justify why a particular practice is not applied. An [Article from Capital Reset](#) gives an example: the company answers if it has an emissions inventory or not. In case it doesn't, it explains why not.

Signs on Twitter: In partnership with *Folha de São Paulo* newspaper, POLÍTICA POR INTEIRO [identifies](#), in an automated way, tweets from over 350 Brazilian authorities (president, ministers and congressmen, and others) and experts, using key-words related to environmental policies categorized in subgroups, such as The Amazon, Transportation, or Energy. In December, the most prominent topics in our monitoring were: Transportation, The Amazon, Indigenous Peoples, and Agriculture. The most commented topics related to:

- The voting and approval in the Chamber of Deputies of the Railway Legal Framework (PL 3,754/2021), proposed by senator José Serra (PSDB/SP).
- Illegal mining in the Madeira River and the report of the “new Mining Code” Working Group.
- The authorization by General Augusto Heleno, for gold mining projects in untouched Amazon areas.
- The possibility of voting the following proposed Bills of Law (PLs): PL 6,299/2002 (the Poison Bill) facilitating the approval of pesticides, PL 5,544/2021 (the Hunting Bill), PL 3,729/2004 (the Licensing Bill) and PL 2,633/2020 (the Land Grabbing Bill).
- The approval in the Senate of the BR of the Sea Bill of Law.

governo



On the Radar (international agenda)

Biden: Biden promises carbon neutrality for the US government by 2050.

Exports: Due to the destruction of the Amazon Forest, European supermarket chains and a food manufacturer said they **will no longer sell** Brazilian beef.

OECD: Despite the government not publicly demonstrating any new steps regarding Brazil's accession to the OECD, the intention of changes in the Ministry of Finance was published hinting that José Tostes Neto, its current Federal Revenue Services Special Secretary, **will be**

appointed attaché for Brazil's post at the OECD in Paris . The plan of appointing ministry staff for international positions seems to aim at improving Brazil's image abroad, displaying abroad what the economy team has done here. It is one more attempt for the election year. It remains to be seen if it will work out.

5. Trends

In the year Brazil faced the worst moments of the Covid-19 pandemic, the economic crisis became more intense. Employment levels and income became, more than ever, priority topics, together with health issues. In the country where hunger spreads and dehumanizes, addressing climate and environmental agendas means discussing them in a broad context, emphasizing the urgency of a green transition with gains for all. During this year, POLÍTICA POR INTEIRO's monitoring showed that the continuity of reactive policies by the government drive Brazil away from the forefront of climate actions.

2021 ended with positive signs of postponing priority topics in the government's agenda in the Legislative branch due to the mobilization of civil society, and to favourable decisions by the Federal Supreme Court for the re-establishment of environmental protection rules. However, the general balance still leaned towards the continuity of a dismantling on the federal level of climate and environmental policies, with reflexes on other levels.

There is hope that sensitive items in the agenda that were slowed down in Congress last month, like the land tenure regularization Bills of Law (the Land Grabbing Bill), the environmental licensing Bill of Law, the mining in indigenous lands Bill of law, and the hunting Bill of Law, end up at a standstill because of political negotiations aimed at the October elections. However, it is unlikely that the environmentalist parliamentary group wins in all fronts. There will be concentrated efforts for approvals in the first semester.

In the Judiciary, the Federal Supreme Court (STF) now has, with André Mendonça, two judges nominated by President Jair Bolsonaro. The new member of the STF may request to see records, altering the pace of lawsuits with an expectation of definition still in 2022. Relevant decisions are expected on actions that question policies implemented in the last three years, and on the inaction of the federal government regarding climate and environmental actions. The STF's Plenary will

analyse, for instance, the change in the composition of CONAMA (ADPF 623), the reason for an injunction to suspend the changes – which should paralyze the collegiate body this year. Another relevant action, initiated in 2016 and expected to reach a decision this year is the analysis on the Time Framework thesis (Theme 1,031), with a trial scheduled for June.

In the Executive branch, the electoral race shall cause changes in ministries due to the need for eligibility until April – six months before the elections. That is, ministers who intend to run for office in October must leave their positions. Another motive for changes in ministries is the office negotiations for the government to strengthen its bonds to the Centrão parliamentary group aiming at (re)election. Changes are expected at the Ministry for the Environment, and the Ministry for Agriculture, which could speed up the dismantling of environmental and climate policies.

The 15th Conference of the Parties (COP) of the United Nations Convention on Biological Diversity (CBD) will take place in 2022, the [COP 15, in Kunming, China](#), still without an official date due to COVID. Domestically, there is little perspective of progress in biodiversity protection. The composition of the National Biodiversity Commission (CONABio) has little participation of the civil society – reduced in 2019 – and it operates almost secretly, without public agendas. In this scenario, the lists of endangered fauna and flora species shall be revised, removing from the endangered categories those species considered by the "productive" sectors as important for using.

Additionally, with all signs indicating the continuity of the offer of oil blocks, including those in sensitive marine areas, and the continuity of deforestation, reaching the deforestation and decarbonization reduction goals proposed during COP26 becomes ever more distant.

To regain trust in the international sphere, Brazil needs to send clear signals of commitment to climate goals, demonstrating the intention to exercise good diplomacy and to strengthen participative democracy, with plurality of opinions, defence of fundamental rights and good practices.

However, along the opposite path, the government placed under public consultation in November 2021, a proposed revision of the National Policy on Climate Change (PNMC) with drastic changes establishing more general terms and no express commitment to ambitions or goals. In a post-COP26 scenario it is necessary for our legislation to move

forward, not to move backwards or to leave a bad heritage for the next Federal administration.

In the midst of this scenario, in addition to electoral negotiations, there are budgetary pressures on the Federal government, especially regarding salary demands from civil servants. By pleasing the federal police force (and also community health agents), promising readjustments for public security agencies (Federal and Highway Police Forces and the National Prison Department) for the 2022 Budget, the federal government became at odds with other categories like the Federal Revenue Services, the Central Bank, and the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA). Civil servants started leaving command positions and signalled adherence to what could become the biggest civil servants strike in history. A work stoppage has been called for the 18th of January. The outcome of this movement may speed up reforms in the federal government and electoral negotiations. Brazilian elections are only in October. The electoral campaign officially begins in the second semester. However, stages are already set and victors and defeated will emerge or sink throughout the year.

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