In September, the Monitor of Public Acts captured 53 acts relevant to environmental and climate change policies published in the Official Gazette.

MONTHLY EVOLUTION OF ACTS

Last 12 months: 66 acts on average per month
Deceleration

Even with the slowdown from August, coinciding with the electoral campaign period, the year 2022 maintains, in acts accumulated until September, a value above previous years.
SEPTEMBER ACTS BY CLASS

The most frequent class of the month is **Response**, followed by **Planning** and **Climate**, with the same number of standards captured.
Highlights in the most frequent classes of the month

- **Response:** Recognition of emergency declarations; use of the National Public Security Force (Fnsp) on Indigenous lands and in support of the Government of the state of Amazonas and Mato Grosso.

- **Planning:** Working Group to analyze and propose measures related to the recognition of the environmental asset of native vegetation; opening of Public Consultation on the single Portal for management of the use of Offshore areas for energy generation.

- **Regulation:** Standard Operating Procedure for collecting information on environmental damage in degraded areas; export and import regulations for ornamental fish and Aquariums; National Plan for Nuclear Emergency Situations.

- **Flexibility:** Amends decree 9.406 / 2018 regulating the mining code.

- **Deregulation:** Revokes conditions for the resumption of the Angra III venture by Eletrobrás Termonuclear S. A.-Eletronuclear.

- **Backtrack:** Renders null and void the ordinance that established norms, criteria and standards for export and import of fish for ornamental and Aquarium purposes; establishes that no planned energy auctions will be promoted.
SEPTEMBER ACTS BY THEME
<table>
<thead>
<tr>
<th>Theme</th>
<th>Overall</th>
<th>2022</th>
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<tr>
<td>Disasters</td>
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<td>469</td>
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<tr>
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<td>Biodiversity</td>
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<td>The Amazon</td>
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<td>Pollution</td>
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<tr>
<td>Tradicional Maroon Communities</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

Total per month: 1 17 41 24 30 74 68 90 607 60 45 70 90 69 53 47 53 58 70 82 70 60 53 609 2885
Most frequent topics of the month:

- Disasters
- Institutional
- Energy
- Indigenous people
111 municipalities were recognized in a state of emergency and public calamity in September.

Highlight for the recognitions for drought in the Northeast, storms in the South and forest fires in the northeast of Goiás, in the Chapada dos Veadeiros.
The norms to deal with the indigenous issue have been reduced to acts of Response, with the employment of the FNSP in support of the National Indian Foundation (Funai). This month, they were directed to Indigenous lands: Sagarana, Igarapé Lage, Igarapé Ribeirão, Uru Eu Wau Wau, Rio Negro Ocaia and Kaxarari (RO); Koatinemo and Cachoeira Seca and Apyterewa (PA); Camicuã (AM); and Cacique Doble and Passo Grande do Rio Forquilha (RS). These measures only remedy, but do not resolve conflicts in these territories. For example, in Apyterewa, there are reports of pressure in the area by illegal mining and invasions, with high deforestation.

**Amazon**

Authorizes the employment of FNSP in support of the state of Mato Grosso, in the environmental inspection actions of the military Fire Department of that state, in activities and services essential to the preservation of Public Order and the safety of people and heritage, on an episodic and planned basis, until November 30, 2022.
Authorizes the use of the National Public Security Force in support of the Government of the state of Amazonas, in operation Harpão I (middle Solimões), in actions to combat organized crime, drug trafficking and environmental crimes, in the channel of the Rio Negro and Solimões, in the state of Amazonas, in activities and services essential to the preservation of Public Order and the safety of people and heritage, on an episodic and planned basis, for ninety days.

Designates the titular and alternate members of the Working Group established within the Ministry of the Environment, with the objective of analyzing and proposing the governance structures of the Amazon Fund and its objectives as a financing instrument for national public policies. It should be noted that the WG was established on 07/25/2022, via MMA Ordinance N 191 of July 22, 2022, and only now, 2 months later, members were appointed. The WG has a period of 60 days (renewable for the same period) to complete the work, starting from the first meeting held.
Main Acts of the Executive - By Topic

**Mining**

*Decree N 11.197, of September 15, 2022 - Flexibility*

Amends Federal Decree 9.406 / 2018, which regulates the mining code. In February, Federal Decree 10.965/2022 had already been published, changing several provisions of the 2018 norm, inserting as penalties for non-compliance with the obligations arising from the research authorization, the mining concession, the licensing and the mining permit the daily fine; seizure of ores, goods and equipment; and temporary suspension, total or partial, of mining activities. The new rule determines that some changes, such as the insertion of these penalties, no longer produce effects, while the provisions of 2018 are temporarily back on. The penalties will not take effect until November 30. Until then, there is only warning, fine and expiration of the title.

**Institutional**

*Ordinance N 93 of September 15, 2022 – Response*

Assign the servers to the Emergency Task Force with a duration of 180 days, in order to assist the National Center of the Environmental sanctioning process (Cenpsa) in the verification processes of environmental infractions in process. Composed of 2 stages, the initiative focuses on the liability prioritization plan. There are currently 18,647 cases pending before the office of the rapporteur at first instance.
Establishes a Working Group, in the Ministry of the Environment, to analyze and propose measures related to the recognition of the environmental asset of native vegetation, provided for in the law of the National Policy of payment for Environmental Services - PNPSA (14.119/2021), and considering the National Program of payments for Environmental Services Forest+. Environmental asset can result from: I – reduction or removal of greenhouse gas emissions; II – maintenance or increase of forest carbon stock; III – conservation and improvement of biodiversity, water resources, soil and climate; or IV – other ecosystem benefits, according to PNPSA. The WG shall last 90 days from the day of the first meeting and may be renewed for the same period.

GM/MMA Ordinance N 228 of September 5, 2022 – Planning

Establishes a Working Group, in the Ministry of the Environment, to analyze and propose measures related to the recognition of the environmental asset of native vegetation, provided for in the law of the National Policy of payment for Environmental Services - PNPSA (14.119/2021), and considering the National Program of payments for Environmental Services Forest+. Environmental asset can result from: I – reduction or removal of greenhouse gas emissions; II – maintenance or increase of forest carbon stock; III – conservation and improvement of biodiversity, water resources, soil and climate; or IV – other ecosystem benefits, according to PNPSA. The WG shall last 90 days from the day of the first meeting and may be renewed for the same period.

ENVIRONMENT

Ordinance N 83 of September 13, 2022 – Climate

It establishes the Standard Operating Procedure (POP) for the collection of information, by the inspection, for the characterization of environmental damage in areas altered or degraded by the suppression process of native vegetation without prior license/authorization or in disagreement with a valid license/authorization. The standard brings, among other points, the definition of environmental damage as being “any injury caused to the ecologically balanced environment resulting from the degradation of environmental attributes through unauthorized anthropic activities, actions and omissions or in disagreement with current authorizations”. For inspection purposes, and if the CAR of the property is not approved, other documents must be presented by the defendant to demonstrate the location of the Legal reserve.
AMAZON

A SPECIAL LOOK AT ITS ENVIRONMENTAL POLICIES

PHOTO: GUSTAVO FRAZÃO/SHUTTERSTOCK
AC / LEG
PL N 115 of 2022

AGRICULTURE AND LIVESTOCK

Establishes the production region of family, agroecological and organic agriculture of the Metropolitan Region of Manaus and creates other measures.

AM | LEG
PLO N 421 of 2022

AGRICULTURE AND LIVESTOCK

Amends Law N 3,938, of April 25, 2022, which provides for the reduction of the ICMS calculation base in interstate operations with cattle.

AC / EXE
SEMAPI EXTRACT N 187

INSTITUTIONAL

Establishes cooperation between SEMAPI / AC and CI-Brazil, in the implementation of the activities of the project "Sustainable Landscapes of the Amazon-GEF Paisagens" (Amazon Sustainable Landscapes Project).

Ac / EXE
CEMAF Resolution N 2

ENVIRONMENT

It defines the procedures related to the environmental licensing of activities potentially causing or mitigating environmental impact in which there is the alternative use of land for agricultural activity, agricultural planting and livestock breeding.

AC / EXE
LAW N 3.977

AGRICULTURE AND LIVESTOCK

Amends Law N 3,938, of April 25, 2022, which provides for the reduction of the ICMS calculation base in interstate operations with cattle.

MT | EXE
Ordinance N 810 / SEMA / MT

INSTITUTIONAL

Amends Ordinance N 133, of February 16, 2017 that "establishes the State Committee of the Pantanal de Mato Grosso Biosphere Reserve".
<table>
<thead>
<tr>
<th>Theme</th>
<th>Relevant</th>
<th>Irrelevant</th>
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<tr>
<td>Agriculture and livestock</td>
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<tr>
<td>Land</td>
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</tr>
</tbody>
</table>

Source: Foco Amazônia • Política Por Inteiro
*Relevant acts are those with the greatest potential for Brazil to influence politics in the Amazon.
THE LEGISLATIVE BRANCH

ANALYSIS OF THE MOVEMENTS AND TRACKING OF LEGISLATIVE PROPOSALS

PHOTO BY GUSTAVO LEIGHTON / UNSPLASH
## LEGISLATIVE MOVES

### New projects

| Bill (PL) 2511/2022 | Amends Law N 12,651, of May 25, 2012, to stimulate the recovery of degraded areas, mainly in the Legal Amazon, through the transfer of financial resources.  
Author: Senator Jader Barbalho (MDB / BA) |
|---------------------|---------------------------------------------------------------------------------------------------------------|
| Bill (PL) 2536/2022 | Amends the law of the National Urban Mobility Policy to create the national, state and municipal Deliberative Councils of Urban Mobility.  
Author: Federal Deputy Márcio Macêdo (PT / SE) |
| Bill (PL) 2413/2022 | It aims to create the National Sustainable Agriculture Program and makes other measures.  
Author: Federal Deputy Rubens Pereira Júnior (PT / MA) |
JUDICIAL BRANCH
THE MOVEMENTS IN THE MAIN ACTIONS ON CLIMATE AND ENVIRONMENT
Amazon Fund

There was expectation of the beginning of the trial in the Supreme Court (STF) of the direct action of unconstitutionality by omission (ADO) 59, which questions the alleged omission of the Union in transferring funds of the order of R$ 1.5 billion to the Amazon Fund and the National Fund on Climate Change (Climate Fund). Despite being scheduled for September, the lawsuit did not have its trial commenced. The action makes up the Green Agenda launched in March/2022. Check the exclusive analysis from the Talanoa Institute on the subject.

Isolated and omitted

At the request of Public Prosecution, the Federal Court prohibited the auction of areas within the National Forest (Flona) of Amanã in the state of Pará, given the proven presence of isolated indigenous groups in the area.

The registration of Indigenous people living in voluntary isolation makes any type of activity, including future auctions, unfeasible. The MPF investigation concluded that Funai’s General Coordination of isolated and recently contacted Indians (CGIIRC) informed the Brazilian Forest Service of the record of the presence of an isolated indigenous group in the study phase, but the information was omitted from the auction notice.
ANALYSIS

KEY FACTS AND POLICIES IN PROGRESS

Alejandro Zambrana / Secom / TSE
The recent moves by the federal government point to an effort to speed up regulations for offshore electric power generation. The minutes of two ordinances were placed in public consultations:

- Interministerial ordinance that creates the single Portal for management of the use of Offshore areas for power generation (Ordinance N 686 / GM/ MME of September 5, 2022);
- Normative ordinance containing the complementary rules and procedures related to the assignment of onerous use for the operation of an offshore electric power generating plant in the regime of independent energy production or self-production of energy (Ordinance No. 685 / GM/ MME of September 5, 2022).

The minutes do not contemplate a fundamental aspect that has often been neglected in the debates to regulate the sector: the environmental, social and cultural impacts of these enterprises. The proposed ordinances only highlight that Marine Spatial Planning (MSP) should be respected where it exists. However, such a reservation is innocuous, since there is no PEM carried out in the country.

The agenda also moves in the Legislature. Last month, the legal framework for offshore energy was approved in the Infrastructure Committee (CI) of the Senate.
Amazon Day and new record

In the month in which the day of the Amazon was celebrated, the smoke from the record season of fires in the region spread across the country. Spreading far beyond the boundaries of the biome, the gray haze was a suffocating reminder of the forest and its vanishing biodiversity. There are indications that the smoke has reached the Southeast and the South.

Cerrado day

More than 10% of Brasilia National Park was burned in fires that have raged across the nation’s capital since the beginning of the month. Humidity below 12% and record temperatures passing 36ºC have contributed to the fire. The week of the National Day of the Cerrado, about 8,000 hectares of native vegetation were destroyed by fire in the Federal District. Large fires hit the Brasilia National Park, the APA of the Central Plateau and the Brasilia National Forest, the latter disaffected by the Federal government on 3,700 ha, nearly 40% of UC. Other parks in the Cerrado suffered from the fire, such as the Serra do Rola-Moça State Park and the Lapa Grande State Park, both in Minas Gerais.

Fires in the Cerrado threaten not only the biome. That’s where the rivers of the main watersheds of the country are born. It is essential to protect these springs.
Two public consultations were opened by Ibama, but without disclosure in the *Official Federal Gazette*. One of them on the new normative instruction that will regulate the federal administrative process for determining administrative offenses for conduct and activities harmful to the environment, replacing the *Joint normative instruction MMA / IBAMA / ICMBio N° 01/2021*. The consultation became available on the website Participa+.

The other consultation deals with the normative instruction that will regulate the obligation of registration and renewal of remedial products, prior consent for importation, and authorization for research and experimentation. The standard will replace the *IN Ibama n° 5 of May 17, 2010* which is in force.

The new IN will have as its main function the updating of the procedures adopted by Ibama considering the provisions of resolution Conama n° 463, of 2014, in which the National Environment Council (Conama) classifies the different types of remediating products according to their nature: chemical or physico-chemical remediators, phytoremediators, bioremediators, biostimulators and physical process agents; the last three being exempt from registration. The IN was published in October.
According to a study prepared by the Simex Network (Imazon, Idesam, Imaflora and ICV), there was, in a period of 12 months, an 11-fold increase in the area of illegal logging in indigenous territories, from 158 hectares (period from August/2019 to July/2020) to 1,720 hectares (from August/2020 to July/2021).

In an event, Joaquim Leite defended the possibility of exploiting oil “sustainably” at the end of the Amazon River. According to information, Petrobras is accelerating the process to enable activities in the region. Such a speech came in the same week in which Peru declared state of emergency due to the oil spill in the Amazon region.
Without a definitive license and without consulting Indigenous peoples and traditional communities, the works of BR-319 are advancing. The prior license (LP) was issued in July/2022, by the National Department of Transport Infrastructure (Dnit), for the middle section of the BR-319 highway, which corresponds to km 250 to km 655,7 between Manaus and Porto Velho. O Observatório da 319 has already warned that free, prior and informed consultations, as guided by convention N 169 of the International Labor Organization (ILO), have never been carried out with the peoples who will be directly impacted.

Environmental fines

According to information obtained through the access to Information Act (LAI), UOL found that R$ 16,2 billion in environmental fines could be canceled due to a order of the president of IBAMA that determined, among other points, that notifications by edict for the presentation of final allegations were not valid. According to the report: “Ibama reported by LAI that its inspectors notified 60% of the 66 thousand fines applied in the period that way.”
While environmental fines are forgiven, deforestation has been breaking records in 2022. September was no different. According to INPE's Deter alert system, 1,455 km² were knocked down.
Deforestation

In the next graph, the annual deforestation data, highlighting the periods of the governments of Lula and Bolsonaro, competitors in the presidential elections.

A series of factors, such as the weakening of environmental agencies, have caused deforestation to increase by 25% since the beginning of the current government, returning to 2006 levels. The 2022 data (Prodes) have not yet been released by Inpe.

When Lula assumed the presidency in 2003, deforestation was 25 thousand km², in the first three years of government it was reduced by 25%. At the end of the mandate the total reduction was 73%, reaching 7 thousand km² in 2010.
ON THE RADAR - BRAZIL

Adopt A Park

Adopt a park reappeared. Much propagandized in the management of Ricardo Salles and little addressed by Joaquim Leite, no relevant public movements had been captured since 2021, until September, when they were published:

- Extract from contractual instrument signed between Genial Investimentos and ICMBio, regarding the donation of goods and services for the Area of Relevant Ecological Interest (ARIE) Project Biological Dynamics of Forest Fragments.
- Term of adoption signed between Heineken and MMA, regarding the donation of goods and services for the Frechal Extractive Reserve. To learn more about the program, its developments, developments and problems, access the exclusive material drawn up by POLÍTICA POR INTEIRO.

CONABIO

The 71st Ordinary Meeting of the National Biodiversity Commission (Conabio) happened, as POLÍTICA POR INTEIRO found out through the Information Access law. The previous meeting was in June, when a draft was presented for a new program on biodiversity, Conserva+. The deadline for suggestions to the ordinance that instituted that program ended last month. The likely changes in the norms on the use of endangered species cause concern. The guidelines on management and the lists of Threatened Species themselves have come and gone, mainly under pressure from the fishing sector, as a report by the Folha de S. Paulo. It should be noted that, so far, the minutes of the 69th and 70th ordinary meetings have not been published, which would go through deliberation at the meeting held last month.
BRAZIL

10 points to decarbonize Brazil

The Talanoa Institute, within the framework of the climate and Development Initiative, developed the 10-point plan to decarbonize Brazil. The document was delivered to candidates in different spheres, from presidential candidates to subnational campaigns. In an interview with Folha de S. Paulo, Natalie Unterstell, President of Talanoa, spoke about the decarbonization agenda on the candidates’ agenda: “They were still very much varnishing themselves in green, but without real compromises. I saw a maturation. We’re starting to see some evolution. It is still little in the face of the magnitude of the problems, but we are starting to get on the right track”.
BRAZIL

Podcast

The podcast *A Terra é Redonda (Mesmo)*, a production of Revista Piauí in partnership with Instituto Talanoa, of which POLÍTICA POR INTEIRO is part, is available on all platforms. During the month, topics such as agro, Brazil's potential in climate negotiations, transition to a future free of fossil fuels, carbon market and the role of Brazilian science in addressing the climate emergency were addressed.
Continuity Scenario

What happens to Brazil's climate goals if the current environmental policy is maintained? The country can exceed, by 2030, by up to 137% the target of greenhouse gas emissions (GHG) assumed by the country in the Paris Agreement and the Nationally Determined Contribution (NDC). This is the conclusion of the study Continuity Scenario, developed by researchers from the Center for Integrated Studies on the environment and Climate Change (Centro Clima) of the Alberto Luiz Coimbra Institute for Graduate Studies and Engineering Research (Coppe), at UFRJ, as part of the Climate & Development Initiative, in which the Talanoa Institute participates. Amazon deforestation is the big villain. "The most worrying thing is that in a scenario of continuity of current environmental policies, we will be very close to the point of no return for the Amazon" said Natalie Unterstell to Valor Econômico. The director of Talanoa, Walter Figueiredo De Simoni, spoke about other sectors evaluated in the study, such as transportation. "The continuity scenario shows that there is a connection between reducing emissions and improving people's quality of life," he said, citing the sector as an example of the delay in the process of electrification of the fleet and the recovery of public transport. “We see in the continuity scenario, for example, the insistence on maintaining fossil fuel as the main engine of the transport matrix in Brazil,” he said.
BRAZIL

Elections

The October 2 vote took Lula and Bolsonaro into the second round. The first week after the start was marked by the race for supports. Tebet (MDB), which came in third place, declared support for Lula and actively participates in the campaign. Ciro Gomes (PDT) followed the party’s position of supporting the PT.

The themes related to climate and environment were gaining prominence in the electoral campaign, placed as transversal agendas in relation to the traditionally fundamental issues in campaigns: hunger, health, employment and security. Approaches to topics such as the Amazon and Biodiversity Conservation oppose Lula and Bolsonaro.

In Amazon Focus from September we talked about the concentration of votes for Bolsonaro in the arc of deforestation and the subnational results.
ON THE RADAR - BRAZIL

Twitter highlights

- **Amazon**: celebrations and criticisms of environmental policies on Amazon Day. It also reflects the release of the record number of fires in the biome in August and the smoke that spread throughout Brazil.

- **Forest, deforestation and election**: the last debate before the first round was also featured in the monitoring. The deforestation agenda has frequently appeared in the face of criticism of current policies on the subject.

*Cloud of most frequent phrases in tweets of the month, monitored in partnership with Folha de São Paulo, from the country’s authorities (president, ministers, congressmen, among others) and experts related to the environment and climate change.*
As a candidate and president—much more as a candidate than President—Jair Bolsonaro spoke at the 77th UN General Assembly in New York. The speech contrasted with the speeches of the UN Secretary General, Antônio Guterres, and the president of this edition of the assembly, Csaba Kőrösi, who spoke before Brazil began the participation between the countries. Guterres and Kőrösi were emphatic in addressing the climate emergency and everyone's responsibility to tackle the crisis. Bolsonaro did not mention the term "climate."

Access our analysis from predefined parameters as extremely relevant to the socio-environmental and climate agendas.

Bolsonaro briefly mentioned how regulatory changes, such as the Economic Freedom Law and the Start-up law, will help the country access the OECD. In his words, Brazil's accession to the OECD is a crowning achievement of this effort to modernize the Brazilian economy. In the analysis from POLÍTICA POR INTEIRO, there is a question around this statement, in terms of the effectiveness of the aforementioned laws and the protagonism of the accession process as told by his government, when it was formally initiated in the previous mandate of President Michel Temer.
The Minister of Economy, Paulo Guedes, mention to entrepreneurs that Brazil has the cheapest renewable energy in the world, despite the fact that it is necessary to reduce the tax burden on these alternative energy sources. The reduction of the tax burden and freight associated with these renewable sources is part of the requirements of the OECD regarding Brazil's accession to the organization. According to the minister, Brazil can be a pioneer in the adoption of renewable energy sources.

Setbacks in investigative bodies during the Bolsonaro government and the Chief Executive's attempt to discredit the Brazilian electoral process harm Brazil's application to be a member of the OECD, in a report published by Transparency International Brazil. The current administration has stalled or even rolled back anti-corruption efforts.

Brazil has a new ambassador of the OECD: the current ambassador to the WTO, Alexandre Parola, takes the place of Ambassador Carlos Márcio Cozendey.
Europe and deforestation

A regulation was approved in the European Parliament (called “Deforestation Regulation”) on the Prohibition of the import and marketing of products (including cattle, soy and wood) from illegally deforested areas or degraded areas.
TRENDS
WHERE WE ARE HEADING TOWARDS
BRAZIL AND THE WORLD
Federal Government

Throughout the Federal Public Administration, expectations are focused on the presidential election, which ends on October 30 at the polls. Depending on the result, Brazil increases its chances of placing itself in the next 4 years as one of the protagonists in climate and socio-environmental issues, with greater dialogue and possibilities for innovation and advances for a green economy; or it is increasingly isolated in the international game, in which climate and environmental agendas have more and more relevance, with direct impacts on investments and commercial relations, in innovation to the fundamental rights of the Brazilian population.

National Congress

Although parliamentary work is having low frequency, there is a prospect that priority projects for the current Federal Government will be put to the vote, such as those related to environmental licensing, land regularization, mining on indigenous lands and pesticides.

Added to this is the fact that, next year, the composition of the National Congress will be considerably modified, with a large political base of the current president of the Republic.
October is a month of intense preparation for COP 27, which will take place from November 7 to 18 in Egypt. At Climate Week in New York last month, the new executive secretary of the UN Framework Convention on Climate Change (UNFCCC), Simon Stiell, spoke about expectations for the conference, saying it would be “the world’s first opportunity to demonstrate progress in the era of implementation of the Paris Agreement.” This issue is being called the “implementation COP”. Adaptation, climate finance and compensation for loss and damage should be the most discussed topics in this regard.

How Brazil will participate and be seen by the international community is very much tied to the outcome of the presidential election on October 30. The polls will define which groups and authorities will be in the spotlight to discuss Brazil's commitments and aspirations for the coming years.
ON THE RADAR - NATIONAL AND INTERNATIONAL

Agenda 2022

- October 20-31: G20-Summit
- November 7-18: COP27 of the Climate Convention in Sharm El Sheikh, Egypt.
- November 15-16: G20 in Indonesia
- December 5-17: COP15 of the Convention on Biological Diversity (CBD) in Montreal, Canada.
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