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## Environmental Licensing

**Federal Licensing.** The Inter-Ministerial Rule No. 419, which was jointly approved by the Ministries of the Environment, Justice, Culture and Health, has been published on October 28, 2011. Such Rule regulates the role of the agencies and entities of federal public administration involved in the environmental licensing procedure. The purpose of the regulation is to expedite the environmental licensing procedure, with the establishment of **terms for manifestations and clarification requests** formulated by the National Indigenous People Foundation ("FUNAI", in Portuguese), the Palmares Cultural Foundation ("FCP"), the National Historical and Artistic Heritage Institute ("IPHAN") and the Ministry of Health, as applicable.



Pursuant to the Rule, at the beginning of the environmental licensing procedure, the Brazilian Institute of the Environment and Renewable Natural Resources ("IBAMA") must require the entrepreneur to provide information about possible interferences of the undertaking in **indigenous land, in land occupied by traditional afro-descendants**

(*quilombolas*, in Portuguese), in **legally protected cultural assets** and in **areas or regions under risk of or endemic for malaria**, to be inserted in a document named "Activity Characterization Form" ("FCA"). Such information must be considered by IBAMA and other public agencies and entities involved in the licensing procedure for the preparation of the Reference Document that will contain specific requirements for the performance of the environmental that are required from the entrepreneur in connection with the undertaking. In the case of an Environmental Impact Assessment ("EIA"), the agencies and entities involved will have up to 90 days (or 30 days in the other cases) to present a conclusive manifestation about it.

The Rule also establishes that the lack of manifestation within the specified term will not jeopardize the regular flow of the environmental licensing procedure or the issuance of the environmental license. However, late manifestations will be considered in the actual phase of the licensing procedure. ➡

➡ Based on a motivated decision, the agencies and entities involved may only once require **clarifications, further details or complementary information** to be delivered by the entrepreneur within 60 days, in the case of an EIA, and 20 days in the other cases.

With the same purpose to accelerate the course of environmental licensing procedures, IBAMA enacted Instruction Rule No. 14, of October 27, 2011, adding provisions to its Instruction Rule No. 184/2008, which addresses the environmental licensing procedure. Pursuant to the latest regulation, state environmental agencies involved in the federal environmental licensing procedure must present their manifestations within 30 days as from the filing date of the environmental study related to the undertaking under analysis. Otherwise, a **tacit agreement** with the conclusions of the study presented by the entrepreneur will be characterized. ■

### *Municipality of Porto Alegre, State of Rio Grande do Sul I.*

The Municipal Secretariat of the Environment (“SMAM”), pursuant to its Instruction Rule No. 4, published on September 21, 2011, established **procedures and terms for the environmental licensing procedure** and addressed the payment of the Environmental Licensing Tax (“TLA”) by instalments. The environmental licenses issued by SMAM are based on Municipal Law No. 8,267/1998, as amended by Municipal Law No. 10,360/2008 and, pursuant to Instruction Rule No. 4/2011, its validity terms will be the following: (i) 3 years, for the Preliminary Licence (“LP”); (ii) 4 years, for the Installation License (“LI”); (iii) 4 years, for the Operating License (“LO”); and (iv) 4 years, for the Single License (“LU”). Exceptionally, based on a technical opinion issued by SMAM, the validity terms of the licenses can be shorter. ■

### *Municipality of Porto Alegre, State of Rio Grande do Sul II.*

On September 29, 2011 SMAM published its Resolution No. 02, which addresses, in the context of the environmental licensing: (i) the procedures related to the requirement of an **Environmental Impact Assessment** and its respective Report (“EIA/RIMA”); (ii) the consultations and oral/written manifestations in connection with the EIA/RIMA; as well as (iii) the procedure for **public hearings**. Pursuant to the Resolution, an EIA/RIMA will be required for the undertakings that are listed by Resolution No. 1/1986 of the Brazilian Council of the Environment (“CONAMA”) and its later amendments, whereas the Environmental Supervision (“SUMAM”) may require the presentation of the EIA/RIMA for other undertakings, whenever deemed necessary, based on a conclusive opinion issued by the sector responsible for the licensing. ■

## Electrical Sector



**Energy Transmission.** On October 28, 2011 the Ministry of the Environment issued its Rule No. 421, which addresses the **federal environmental licensing and regularization** of electric energy transmission systems. Pursuant to the Rule, the environmental licensing of

energy transmission undertakings will be performed through the simplified procedure, based on a Simplified Environmental Report (“RAS”), or through the ordinary procedure, based on an Environmental Evaluation Report (“RAA”) or on an Environmental Impact Assessment (“EIA”) and its respective Report (“RIMA”), depending on the level of impact of the undertaking,

considering the criteria defined by the Rule. When there is a necessity of **vegetation suppression** for the installation of the undertaking, the respective Authorization (“ASV”) must be requested together with the Installation License (“LI”), with the presentation of a forestry inventory. In the case of energy transmission systems under operation that do not have an ➡

environmental license, IBAMA will notify the respective responsible representatives for the execution, within a maximum 2-year term as from the enactment of the Rule, of a **Commitment Document**, with the purpose to

present the Environmental Control Report (“RCA”) that will allow the regularization of the licensing, by means of the issuance of the respective Operating License (“LO”). ■

Instruction Rule No. 4, published on September 30, 2011, established criteria and procedures for the **environmental licensing** and licensing exemption for activities related to the **distribution of piped natural gas**. The purpose of the Rule is to systematize the administrative course of the procedures for the preventive procedure against potential and effective environmental degradation and to speed up the procedures. ■

## Oil, Gas and Biofuels

**Environmental Licensing.** On October 28, 2011 the Ministry of the Environment published its Rule No. 422, which addresses the procedures for the federal environmental licensing of activities and undertakings involving oil and natural gas **exploitation and production** in the marine environment and in land-sea transition zone. Pursuant to the Rule, the maritime and land-sea transition zone **seismic data research** depends on the obtaining of a Seismic Research License (“LPS”) from the Brazilian Institute of the Environment and Renewable Natural Resources (“IBAMA”), whereas well drilling activities at the marine environment require the obtaining of an Operating License (“LO”), also issued by IBAMA.



license drilling activities through an integrated procedure, considering **drilling polygons**. The validity term of the LO issued for the drilling activity must not be longer than 10 years and its renewal must be requested within 30 days before its expiration date, except for the licensing of drilling polygons, when the request must be filed within 120 days.

For the establishment or enlargement of maritime undertakings of oil and gas production or flow, as well as the performance of long duration testing, the Rule requires the obtaining of a Preliminary License (“LP”), an Installation License (“LI”) and an Operating License (“LO”). Under certain conditions, however, the performance of long duration testing may require only the obtaining of an LO. The **maximum terms for authorizing or denying the issuance of environmental licenses** by IBAMA were also established by the Rule. ■

Depending on the classification of the drilling activity (Classes I, II, or III), based on the depth of the wells, the distance from the coast and the environmental sensitiveness of the area, the required environmental studies will be more or less complex. The Rule provides that IBAMA may

**State of Espírito Santo.** The State Institute of the Environment (“IEMA”), pursuant to its

**Biofuels National Supply.** Provisional Measure No. 532, of April 28, 2011 was converted into Federal Law No. 12,490, published on September 19, 2011. Such Provisional Measure amended the laws that address the policy and control of the activities related to the national supply of fuels (Federal Laws Nos. 9,478/1997 and 9,847/1999, respectively).

The purpose of the amendments is to stimulate the use of “renewable energies” through the consumption of biomass and biofuel by-products, contributing with the reduction of greenhouse gases and pollutants in the **energy and transportation sectors**.

The new Law also adds a new chapter to Law No. 9,478/1997 about the economic activities of the biofuels industry, allowing the performance of such activities by companies or consortiums of companies that are established ➡

➔ under Brazilian laws, having headquarters and management in Brazil, through an authorization issued by the National Agency of Oil, Natural Gas and Biofuels

(“ANP”). The obtaining of such authorization will require, among others, the presentation of the **environmental license** issued by the competent agency. ■

## Transportation Sector

**Port Facilities I.** The Ministry of the Environment (“MMA”) and the Secretariat of Ports of the Presidency of the Republic jointly approved the Inter-Ministerial Rule No. 425, published on October 28, 2011, establishing the **Federal Program for the Support of the Regularization and Environmental Management of Port Facilities** (“PRGAP”).

The purpose of the Program is to promote the environmental regularization of port facilities

that operate without having an environmental license. The operators of such undertakings will have a 120-day term to execute a Commitment Document with IBAMA, with the purpose to present, in the maximum term of 720 days, an Environmental Control Report (“RCA”), which will allow the environmental regularization through the issuance of the respective Operating License.

On the same date, MMA published its Rule No. 424, which addresses **specific procedures** to be adopted by IBAMA in the

regularization of port facilities that are already established and operate without having an environmental license. Pursuant to the MMA Rule, the operators of such undertakings will be notified by IBAMA to execute the Commitment Document. ■

**Port Facilities II.** On September 22, 2011 the National Agency of Waterway Transportation (“ANTAQ”) approved its Resolution No. 2,239, which addresses the procedures for the **safe transit of hazardous products in port facilities** located

inside or outside the area of the organized port. Pursuant to the Resolution, port agents must assure that the movement and maintenance of hazardous products in its installations occur under conditions that guaranty the protection of the environment. ■

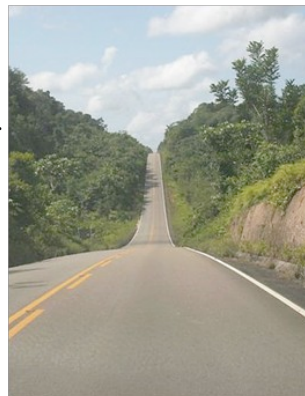
**Highways.** Inter-Ministerial Rule No. 423, published on October 28, 2011 and jointly approved by the Ministries of the Environ-

## Environmental Administration

**Professional Capacity Building.** Pursuant to its Rule No. 417, published on October 28, 2011, the Ministry of the Environment (“MMA”) approved the **Development Policy for MMA’s Clerks**. The directives of such Policy include, among others, the promotion of strategies for the learning process that will allow MMA’s clerks to acquire and improve skills, as well as the contribution to the continuing improvement of the quality and efficiency of the public services rendered by MMA. Among the actions contemplated in such Policy are the performance of training sessions, courses and exchange programs with national and foreign institutions. ■

ment and Transportation, created the Environmentally Sustainable Federal Highways Program (“PROFAS”), which purpose is to promote the **environmental regularization** of paved federal highways that do not have an environmental license. Pursuant to the Rule, the entities responsible

for the paved federal highways that are under operation and that do not have the respective environmental license will have a maximum term of 360 days to execute a **Commitment Document** with the Brazilian Institute of the Environment and ➔



➔ Renewable Natural Resources (“IBAMA”). The Commitment Document, which draft is attached to the Rule as its Annex I, will establish the conditions for the presentation of the Environ-

mental Control Report (“RCA”), which will allow the issuance of the respective Operating License for the highway under regularization process. ■



## Climate Change

**Climate Fund.** On September 15, 2011 the National Monetary Council (“CMN”) published its Resolution No. 4,008, which addresses the financing with resources from the National Climate Change Fund (“FNMC”). The FNMC is subject to the Ministry of the Environment and the projects that can be financed with the resources of the FNMC are those destined to the **mitigation of and adaptation to climate change**.

The Resolution establishes the conditions – **financial costs and terms** – for the concession of financing, which are also subordinated to the deliberations of the Management Committee of the FNMC. ■

**State of Rio de Janeiro I.** State Decree No. 43,216 was published on October 3, . 2011, regulating the State Policy on Climate Change. The Decree establishes greenhouse gases **emission reduction goals**, with a horizon in 2030, for the energy (including transportation), industrial, agriculture and waste (urban and industrial solid waste disposal and domestic sewage and industrial effluent treat-

ment) sectors. In addition, **goals for the adaptation to climate change** were established, including the control of floods and the recovery of water basins and forests (“Rio Rural Program”).

Sectoral goals will be followed every 5 years, as per the review of the State Plan on Climate Change, considering the State Inventory on Greenhouse Gases Emissions and the State Forestry Inventory.

In order to stimulate the achievement of the goals that were established, **tax incentives** will be created aiming the development of a low carbon economy. ■

**State of Rio de Janeiro II.** As from October 3, 2011 the State Secretariat of the Environment (“SEA”) released the preliminary version of the **State Plan on Climate Change** for public consultation.

The Plan is one of the main instruments of the State Policy of Climate Change (State Law No. 5,690/2010) and its purpose is to present how is the implementation process of the actions necessary to achieve the goals for emissions reduction and adaptation

established under State Decree No. 43,216/2011.

Comments can be sent to SEA by November 7, 2011, through the e-mail [vivian@ambiente.rj.br](mailto:vivian@ambiente.rj.br). The document is available in the following link: <http://bit.ly/t1AvTW>. ■

**Vehicle Emissions.** On September 22, 2011 the Institute for Applied Economic Research (“IPEA”), through its Communication No. 113, published a study about local and global atmospheric pollution caused by automobile vehicles. As far as global pollution is concerned, the study indicates an increase of 3.6% per year of greenhouse gases issued by vehicles between years 1980 and 2009. The study also describes the **policies that impact emissions standards and its inter-relationships**, as well as perspectives and directives for policies aiming the reduction of vehicle pollution. The Communication is available in the following link: <http://bit.ly/nDCza9>. ■

## Payment for Environmental Services

**Conservation Program.** Federal Decree No. 7,572, published on September 29, 2011 regulated the Environmental Conservation Support Program (*Programa Bolsa Verde*, in Portuguese), which was established by Provisional Measure No. 535/2011 (converted into Federal Law No. 12,512, of October 14, 2011). The purpose of Program, as described in the June 17, 2011 issue of this Bulletin, is to harmonize the conservation of ecosystems with the

improvement of life quality and income of the population under extreme poverty. Therefore, **environmental conservation activities** will be performed to promote the maintenance of the vegetal coverage of the area where the family is installed, as well as the exploitation of the environment in a manner that would assure the maintenance of the existing renewable environmental resources and of ecological processes, protecting the bio-

diversity and the other ecological attributes, in a socially fair and economically viable way, The Decree indicates the areas where conservation activities shall be performed in order to allow the families to be benefited with the Program. The Decree also describes the requirements for applying for the Program, the way how the resources will be transferred and how the monitoring and control will be performed in the context of the Program. ■

## Solid Waste



### **State of São Paulo.**

On September 20, 2011 the State Secretariat of the Environment (“SMA”) performed a **Clarification Session** about its Resolution No. 38/2011, which provides the list of **products that generate waste having significant environmental impact**, for the purpose of post-consumption responsibility, as described in the June 12, 2011 issue of this Bulletin. On that occasion, SMA recommended that the proposals required from the importers and manufacturers of the products and packaging listed in the Resolution for the implementation of a **post-**

**consumption responsibility program** (which filing term has ended on October 3, 2011) were prepared in harmony with the sectoral proposals that are being conceived by associations and unions in the context of the National Policy of Solid Waste (Federal Law No. 12,305/2010). SMA also recommended the inclusion of a review clause in the proposals, for the links of the chain to get adjusted to future legislative amendments, in addition to the viability of performing updates of the programs based on more effective actions under the technical, operational and financial perspectives. ■

### **Municipality of Itapetininga, State of São Paulo.**

On September 21, 2011 Municipal Law No. 5,431/2011 has entered into force. Such Law prohibits commercial establishments to furnish **plastic bags** for the carriage of products acquired by consumers. The establishments that disobey the Law will be subject to the following penalties: (i) fine; (ii) interdiction of the establishment; and (iii) cancellation of the authorization for the activity location and operation. ■



## Agribusiness

**Pesticides.** On September 4, 2011 the Commission of Constitution, Justice and Citizenship of the Chamber of Deputies ap-

proved Bill No. 740/2003, written by Deputy Dr. Rosinha, which creates new rules for the **use of airplanes for pesti-**

**cide spraying.** Pursuant to the Bill, pesticides can only be sprayed from airplanes provided that no loss or damage are ➡

➔ caused to plantations, terrestrial or water animals, environmental protection or permanent preservation areas and health of the population. The Bill also prohibits the use of airplanes to spray pesticides that contain 2,4-D acid (Dichlorophenoxyacetic). The Bill will follow to be voted by the Plenary Session. ■




**State of São Paulo.** Pursuant to its Board of Directors Decision

No. 271, published on September 30, 2011 the environmental agency of the State of São Paulo (“CETESB”), postponed for more 180 days the term for the declaration of the possession, storage and carriage of obsolete pesticides, in particular those considered persistent organic pollutants (“POP”), for the purpose of the **preparation of a program for its elimination.** The Decision also establishes that the declaring parties will not be subject to the sanctions addressed by the legislation provided that they present the required information in the specified term and maintain the POPs under adequate storage conditions. ■

## Environmental Control

**State of Mato Grosso.** The State Secretariat of the Environment (“SEMA”), pursuant to its Rule No. 232, published on September 21, 2011, defined the criteria and procedures for the final payment of and concession of **payment by instalments or discounts on fines** originated from administrative processes related to Infraction Notices. As far as discounts are concerned, the Resolution establishes a reduction of 30% of the amount of the fines for payments performed during the term for the presentation of the administrative defence. For payments performed after such period, and not later than 5 days as from the reception of the notification about the final ruling of the infraction, there will be a discount of 30% on the updated amount of the fine. ■

## Water Resources

 **State of São Paulo.** The State Secretariat of the Environment (“SMA”), pursuant to its Resolution No. 50, published on September 24, 2011, defined the directives for environmental adequacy of rural properties in order to allow the participation in the **Water Mine Project.** The Project involves the **payment for environmental services** associated with the protection of **water springs.** To participate in the Project, landowners must: (i) promote the protection of permanent preservation areas surrounding water springs, aiming the preservation of native vegetation and/or allowing its natural regeneration; (ii) perform the registration of the forestry legal

reserve; (iii) regularize any potential environmental non-compliance; (iv) obtain all applicable environmental licenses. ■

**State of Mato Grosso.** State Law No. 9,616, published on September 26, 2011, addresses the **Protection and Recovery System of Cuiabá River** and its tributaries. The System will include the implementation of the following actions: (i) protection of the remaining riparian vegetation; (ii) recovery of the riparian vegetation of degraded areas, with the insertion of native species; (iii) recovery of water springs; (iv) combat against erosion of riparian areas of Cuiabá River and its tributaries; (v) support to the use of sustainable

practices involving the use of natural resources in the area surrounding the water basin; (vi) promotion of biodiversity conservation and protection actions The Law also provides that priority will be given to the creation of conservation areas located in the surrounding region of the Cuiabá River Basin. ■



## Biodiversity

**Bromelias, Cactus and Orchids.** The Brazilian Institute of the Environment and Renewable Natural Resources (“IBAMA”), pursuant to its Instruction Rule No. 11, published on September 30, 2011, established **procedures for the transportation and maintenance** of Brazilian native matrix species of the *Bromeliaceae*, *Cactaceae* and *Orchidaceae* families included in the official lists of endangered species and/or in the annexes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”). Pursuant to the Instruction Rule, **producers, traders and collectors** of such species must request to the IBAMA authority under its jurisdiction the inclusion of its matrix

plants in the Forestry Origin Document (“DOF”) System, within 180 days after the publication of the regulation, and must use the DOF for any transportation of such plants. ■



**State of São Paulo.** State Decree No. 57,402, published on October 7, 2011 created the **São Paulo State Biodiversity Commission**, which will be formed by representatives from the State Secretariat of the Environment (“SMA”) and other state agencies and entities indicated by SMA, as well as invited members from other segments (including

representatives from universities, non-governmental organizations and the entrepreneurial sector) and its purpose will be to coordinate the conception and implementation of strategies aiming the conservation of biological diversity in the State of São Paulo and for the follow-up and implementation of the goals established pursuant to the 10th Conference of the Parties (“COP10”) of the Convention on Biological Diversity, held in Nagoya, Japan, in 2010. The Commission will have a 6-month term, as from the date of its installation, to prepare an Action Plan, which must be implemented in the period between 2011 and 2020 and must be reviewed and updated every 12 months. ■

## Specially Protected Areas

**Use of Images.** The Chico Mendes Institute for the Conservation of Biodiversity (“ICMBio”), pursuant to its Instruction Rule No. 19, published on September 19, 2011, regulated the use of images of **federal conservation areas**, of the environmental assets included in such areas and its heritage, as well as the manufacturing of products, by-products and rendering of services obtained or developed from natural, biological, or cultural resources or from the exploitation of the image of the conservation area, regardless of the existence of a

commercial purpose.

Pursuant to the Instruction Rule, the use of images of conservation areas and its heritage will require a **prior specific authorization** from ICMBio.



In the case of products, by-products and services that use the image of the conservation area for commercial purposes, the authorization will depend on a pay-

ment to ICMBio. The Rule also describes the authority to authorize the use of images, the procedure for requiring the authorization and restrictions for its issuance. ■

**State of São Paulo.** State Decree No. 57,401 was published on October 7, 2011, creating the **Partnership Program for State Conservation Areas**. The Program encompasses the conservation areas that are under the administration of the Foundation for Forestry Conservation and Production of the

➡ State of São Paulo. The Decree establishes partnerships for the rendering of tourism-related services in such areas. The Program aims to stimulate the participation of local populations in the partnerships, to promote the sustainable development through nature conservation practices, to recover the degraded ecosystems, to protect endangered species and to incentive scientific research and the environmental studies and monitoring. The **authorizations, concessions and grants** for the use of such areas will be issued by the State Secretariat of the Environment (“SMA”) and will have a validity term of up to 5 years. ■

**State of Pernambuco.** On September 23, 2011 the Government of the State published the **State Map of Conservation Areas**. The Map does not only identify each area, but also brings a list of the federal and state conservation areas according to its category, location, dimensions and the respective protected ecosystem. The Map is available in the following link: <http://bit.ly/nVeOne>. ■

**Municipality of Rio de Janeiro, State of Rio de Janeiro.** Municipal Decree No. 34,443, published on September 21, 2011 created the **Barra da Tijuca Municipal Natural Park**. The Decree prohibits the licensing of construction, enlargement or

modification of a building, the segregation of the land, the installation of establishments or urban furniture in the area of the Park, except for public interest constructions and the activities permitted in the Wildlife Conservation Zones (“ZCVS”). The Park is located along the Marapendi Lagoon. ■



## Forestry Resources

**Forestry Concession.** Resolution No. 2 of the Managing Board of the Brazilian Forestry Service was published on September 16, 2011. Such Resolution establishes the parameter for the economic-financial regime of the bids and agreements related to forestry concessions, defines the

reference volumetric potential and regulates the procedures for the billing of prices of forestry products.

Pursuant to the Resolution, the minimum price of wood in the bidding announcement for the concession will be calculated for a

productivity of 20 cubic meters per hectare. A calendar has also been created for the verification, billing, payment and compensation of the annual minimum value established in a concession agreement and for the monetary adjustment of the Forest concession agreements. ■

## Fauna Protection

**Wild Birds.** On September 20, 2011 the Brazilian Institute of the Environment and Renewable Natural Resources (“IBAMA”) published its Instruction Rule No. 10, regulating the creation, reproduction, commercialization, maintenance, training, exposal,



transportation and transfers, acquisition, guarding, use and performance of championships involving **birds belonging to the class of wild passeriform native fauna**. The Instruction Rule limits the maximum number of birds grown in the same estab-

lishment and also establishes requirements related to hygiene, facilities and animal care, for both amateur and commercial breeders. ■

**State of Mato Grosso do Sul.** Due to the reproduction season, the Secretariat of the Environment, Planning, Science and ➡

Technology (“SEMAC”) enacted its Resolution No. 24, published on October 7, 2011, prohibiting the **fishery in the Rivers of the State of Mato Grosso do Sul** from November 5, 2011 to February 28, 2012.



The Water Basins of Rivers Paraguai and Paraná are also contemplated, including lakes, lagoons, wetlands, canals and flooded riparian areas. The Resolution describes in detail the exceptional cases in which the fishery will

not be prohibited. For certain species, a major protection has been established.

Pursuant to its Rule No. 250, published on September 30, 2011, SEMAC also created the **Special Commission**, in order to plan and discuss the activities that can be performed during the fishery prohibition period. ■

**Municipality of Porto Alegre, State of Rio Grande do Sul.** Municipal Law No. 11,129, published on September 22, 2011 created the Municipal Program for the **development of bee breeding and honey production** (“PROABELHA”). The be

breeding in the context of the Program is related to the *Apis* genus and native or indigenous stingless species. The purpose of the Program is to stimulate the environmental preservation through the rational bee breeding and the sustainable use of the activity at small and medium-sized properties located in scarcely occupied areas of the Municipality. ■



## Urban Environment



**Municipality of Rio de Janeiro, State of Rio de Janeiro.** On September 22, 2011 the Municipal Secretariat of the Environment published its Resolution No. 498, establishing simplified procedures for the requirements of authorizations to the **installation of bicycle parking facilities** in public areas in the Municipality of Rio de Janeiro. The Resolution describes the documents required for obtaining the authorization, as well as the project design and dimensions that must be observed by the facility. Pursuant to the Resolution, the facilities must not have commercial purposes. ■

**Municipality of Campo Grande, State of Mato Grosso do Sul.** Municipal Complemen-

tary Law No. 184, published on September 26, 2011 addresses the **Directive Plan for Municipal Urban Arborization**. The purpose of the Plan is to promote the municipal arborization as an instrument of urban development and life quality. Therefore, the municipal environmental agency will establish, among others: (i) the Municipal Arborization Program; (ii) the public arborization Management Plan; (iii) the Environmental Education Program aiming the preservation and maintenance of the urban arborization. The Law also contains specific provisions about seedling production, plantation and suppression of trees, as well as penalties to be imposed for the commitment of infractions. ■

## Biosafety

**GMOs.** During its 145th Ordinary Meeting, held on September 9, 2011 the National Technical Commission of Biosafety (“CTNBio”) approved the commercial production of a **transgenic bean** developed by *Empresa Brasileira de Pesquisa Agropecuária – EMBRAPA*. ■



## Environmental Governance

**Development Banks.** The XXXI National Seminar on Legal Matters of the Brazilian Association of Development Financial Institutions (“ABDE”) was held on October 27 and 28, 2011, in the city of

Belo Horizonte, MG. On such occasion, as per an invitation from ABDE, Fernando Tabet, partner of Tabet Advogados, performed a presentation on the legal aspects of environmental licensing, dis-

cussing also the **environmental responsibility of financial institutions** in general and development banks in particular. ■

## Global Links



**Kyrgyzstan.** The State Agency on Environment Protection and Forestry of the Kyrgyz Republic intends to conduct a **review of the forestry legislation** of the country to determine whether there is a need for amendments and supplements, regarding the management of the Uniform Forestry Fund and especially protected natural areas. The Agency is also instructed to prepare a draft of the National Report on the state of forests of the Kyrgyz Republic. The purpose of such Report is to determine the total area of forests in Kyrgyzstan, their location and legal status.

Both the forestry legislation review and the National Report on forests will be performed considering the results of the **national inventory of forests** that was conducted by the Agency and its regional departments from 2008 to 2010 and approved by Government Resolution No. 407, as adopted on July 26, 2011. Pursuant to such inventory, the total forested area in Kyrgyzstan covers 1,116.56 thousand ha, or 5.61% of the total area of the country. Such area includes the forested areas of the Uniform Forestry Fund – the

National register containing all forested areas of the Kyrgyz Republic with detailed descriptions – and especially protected natural areas (839.56 thousand ha, or 4.22% of the surface of the country). ■

(by Gulnara Kalikova and Magomed Saaduev, from the firm Kalikova & Associates, Bishkek, Kyrgyzstan)



**Norway.** During the last year, Norway has approved new environmental legislation – the **Nature Diversity Act**. The new Act signals a new era in Norwegian nature management. When the natural environment is threatened, the authorities will have a duty to respond with appropriate measures. The Act provides rules for the **sustainable use and protection of the natural environment**. This means new tools for safeguarding nature for present and future generations, not only within, but also specially protected areas. The Act will apply both on land and at sea.

One of the key concepts within the new legislation is the environmental principles that are included. The Act contains impor-

tant environmental principles such as the **precautionary principle**, the **ecosystem approach** and the **polluter pays principle**, extending beyond the scope of pollution. Moreover, the Act codifies the principle that decisions affecting the environment are to be built on scientific knowledge, as well as traditional knowledge.

Climate change is also an important issue in Norway. The country is a part of the **European Union Emissions Trading Scheme** (“EU ETS”). The European Emission Trading Directive (Directive 2003/87/EC) is incorporated into the European Economic Area Agreement and is carried out in Norwegian legislation through the Norwegian Greenhouse Gas Emission Trading Act No. 99, of December 17, 2004. This implies that a company in Norway that is subject to the Emission Trading Directive is in compliance with the Emission Trading Scheme. This includes the petroleum sector, energy producers, producers of iron, steel and other ferrous metals and producers of cement, lime, glass, fiberglass and other fibrous material. From January 1st 2012, the aviation industry will be a part of the EU ETS. For the →

industry, this will imply various financial and organizational challenges. The proposition from the European Commission will require aircraft operators to monitor and report emissions data arising from **aviation activities** in compliance with the regime. The new participants to the emissions regime include both intra-EU flights and every aircraft entering and departing from EU airports. In addition to the 27 EU Member States, the EU ETS for aviation covers three EEA States: Norway, Iceland and Lichtenstein.

Norway is in favor of measures to reduce greenhouse gas emissions from the aviation sector. Therefore, the government has publicly declared that it is in principle a supporter of extending the emissions regime for the transport sector. ■

(by Dag Erlend Henriksen, from the firm Arntzen de Besche, Oslo, Norway)



**Portugal.** The latest quarter of 2011 brought a small revolution in the **organization and implementation of environmental public policies** in Portugal, rather than any significant development of the current laws and regulations.

As it is known, the country is in the center of the European problem regarding the crisis of the sovereign debts and the deceleration of the economy reveals that, for the worst reasons, several positive changes in indicators. Although there is no increase in recycling activities, the consumption levels have decreased and, therefore, less waste is generated. The energy paradigm did not suffer large changes, but the stagnation of the economy allows the compliance with the objectives of the agreements on global warming.

The aforementioned revolution is

the merger between the Ministry of Agriculture and the Ministry of the Environment, following the anticipated elections. It is a solution adopted in various EU countries, such as Austria and England, but, as far as Portugal is concerned, the administration “cultures” were very different and the expectations on the results of the integration of various organisms are high.

The main short term news include the amalgamation of the **forest management services** with those involving the **conservation of nature and biodiversity**, as well as the **integration of the various environmental services** in one single environmental agency (the independence between water and climate management is over) and the **merger of the controlling authorities**. Results? Within one year it will be possible to evaluate.

(by José Eduardo Martins, from the firm Abreu Advogados, Lisbon, Portugal)

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