
NEW ENVIRONMENTAL LICENSING LAW

The consolidation of the new legal framework for environmental licensing represents a strategic advancement in the modernization of licensing procedures in Brazil, seeking to balance procedural efficiency and environmental preservation. Recently enacted with 63 vetoes from the Executive Branch, Law No. 15,190/2025 will still be the subject of intense debates in the National Congress during the analysis of these vetoes, as well as the Provisional Measure and the new Bill related to Special Environmental Licensing for strategic projects sent by the Planalto. The legislation seeks to strengthen the leading role of the licensing agency, prioritize strategic projects, encourage new technologies, bring temporal and procedural predictability, commitment from entrepreneurs and intensify the technical quality of studies and information presented to environmental agencies.

CHECK OUT THE MAIN CHANGES:



INSTITUTIONALIZATION OF NEW LICENSING MODALITIES

Environmental License by Adhesion and Commitment (LAC), Single Environmental License (LAU), Special Environmental License (LAE), Corrective Environmental Operating License (LOC), and possibility of two-phase modality (LP+LI /LI+LO) or single phase (LP+LI+LO).



SPECIAL ENVIRONMENTAL LICENSING: STRATEGIC PROJECTS

Strategic activities or enterprises, as defined by decree through biannual proposal from the Government Council, will have priority for analysis and decision of their respective environmental license applications, which will be analyzed by a technical team permanently dedicated to this function.

Immediate effectiveness due to Provisional Measure 1,308/2025.



CORRECTIVE LICENSING

Regularization of activity or enterprise that is operating without environmental license.

If regularization is found to be unfeasible, decommissioning must be determined, as well as environmental recovery of the impacted area, with the entrepreneur subject to criminal and administrative sanctions.



ESTABLISHMENT OF DEADLINES

Definition of specific deadlines for issuing environmental licenses.

LP: 10 months, when the required environmental study is the EIA; and 6 months for cases of other studies

LI, LO, LOC and LAU: 3 months

Two-phase: 4 months

LAE: 12 months



SUPPLEMENTARY COMPETENCE

After the deadlines, the entrepreneur may request supplementary competence from another licensing agency (ADI No. 4757), in which case the analysis deadline is restarted and submitted documents must be utilized.



INCENTIVE FOR NEW TECHNOLOGIES AND VOLUNTARY ENVIRONMENTAL PROGRAMS

Prioritization of analysis and possibility of extending license deadlines for enterprises that adopt new technologies or voluntary environmental management programs.



POSSIBILITY OF AUTOMATIC RENEWAL

Possibility of automatic renewal for licenses of low/medium impact activities when there is no change in the enterprise and applicable legislation.



CONDITION REVIEW AND ACQUIRED RIGHTS

Condition review may be requested by the entrepreneur within 30 days of license issuance or when the proposed measure proves to be technically ineffective. Any modification of conditions during renewal must respect acquired rights and perfect legal acts.



INTERVENING BODIES

Institutionalization of Interministerial Ordinance No. 60 that addresses the manifestation of intervening bodies in the licensing process (IPHAN, FUNAI, INCRA, ICMBio).

Establishment of deadlines for manifestation, whose absence does not hinder the progress of environmental licensing. The involved authorities may present manifestation at whatever stage the licensing process is in, without prejudice to its validity and continuation.

The manifestation does not bind the licensing body, except for the managing agency of Conservation Units.

Condition proposals must be accompanied by technical justification and linked to actual impacts generated by the enterprise.

Definition of presumed impact areas for purposes of participation of involved authorities in the licensing process, determined by type of activity and study to be developed.



ENVIRONMENTAL STUDIES AND TECHNICAL CONSULTING REGISTRY

Possibility of using environmental studies previously conducted in the area.

EIA/RIMA will not be required when the licensing authority considers that the activity or enterprise is not potentially causing significant environmental degradation, which reinforces the discretion of the licensing agency.

The licensing authority must maintain an available registry of individuals and legal entities responsible for preparing environmental studies and audits with individualized history of approvals, rejections, attended supplementation requests, unattended supplementation requests and fraud.



VEGETATION SUPPRESSION

Environmental licenses may, at the discretion of the licensing authority, contemplate the object of vegetation suppression and fauna management authorizations.



FINANCING

Inapplicability of Article 12 of the National Environmental Policy which provides that financing and governmental incentive entities and agencies will condition the approval of projects eligible for these benefits to licensing, in the form of this Law, and to compliance with norms, criteria and standards issued by CONAMA.



WAIVER OF MUNICIPAL CERTIFICATES

Waiver of land use and occupation certificate: Environmental licensing is independent of the issuance of urban land use, subdivision and occupation certificates issued by Municipalities, as well as authorizations and grants from agencies not part of Sisnama.

The approval of the activity or enterprise project must occur through the issuance of an integrated urban and environmental license.

RELEVANT MATTERS APPLICABLE TO STRATEGIC SECTORS:

CAR Waiver: CAR registration cannot be required as a prerequisite for issuing environmental license or vegetation suppression authorization for public infrastructure activities or enterprises that are installed on rural property or possession, but that are not related to agricultural activities developed therein.

LI + LO: Linear enterprises intended for railway and road transport, transmission and distribution lines and fiber optic cables, as well as substations and other associated infrastructure may have installation licenses that already enable the start of operation.

License waiver: public service works for electric energy distribution up to 138 KV; emergency works and interventions in response to infrastructure collapse, accidents or disasters; urgent works and interventions aimed at preventing the occurrence of imminent environmental damage or interrupting situations that generate risk to life.

AGRIBUSINESS

License Waiver: cultivation of species of agricultural interest, temporary, semi-perennial and perennial; extensive and semi-intensive livestock; small-scale intensive livestock; agricultural research that does not imply biological risk.

Requirements: approved Rural Environmental Registry (CAR), no legal reserve or permanent preservation area deficit; or being in regularization with adherence to the Environmental Regularization Program (PRA) / Commitment Term.

LAC: Medium-scale intensive livestock activities and enterprises may be licensed through simplified procedure in the adhesion and commitment modality.

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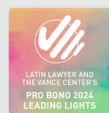
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