NEWSLETTER

ENERGY TRANSITION

MARCH AND APRIL 2026

EDITORIAL

In this edition, the main sectoral measures focus on energy planning, energy transition and new technologies. The Ministry of Mines and Energy ("MME") made progress on medium- and long-term planning instruments, with the public consultations on the Ten-Year Energy Expansion Plan 2035, the National Energy Plan 2055 and the National Energy Transition Plan, in addition to the publication of the 2026 Electricity Sector Strategic Agenda Monitoring Report.

In the generation segment, the National Energy Policy Council ("CNPE") and the MME adopted measures aimed at regulating offshore wind power. The CNPE also approved resolutions related to hydraulic storage, with guidelines for contracting Hydraulic Storage Systems and resuming hydropower studies involving reservoirs.

On the nuclear agenda, the MME held the 1st meeting of Working Group No. 19, within the scope of the Brazilian Nuclear Program Development Committee, to discuss the national infrastructure for advanced nuclear reactors, with a focus on small and micro modular reactors.

The last two-month period was also marked by progress in Brazil's fuel decarbonization agenda. The CNPE defined the initial greenhouse gas emissions reduction target to be met by natural gas producers and importers through the share of biomethane in natural gas consumption. In addition, the ANP approved the accreditation of the first Biomethane Origin Certification Agent, a necessary condition for the certification of producers and the issuance of Biomethane Guarantee of Origin Certificates ("CGOB").

Furthermore, the CNPE established guidelines for the regulation of the Social Biofuel Seal and for the operationalization of the National Biodiesel Production and Use Program. In the waterborne sector, the MME presented the pillars and guidelines of the National Sustainable Navigation Fuel Program. Moreover, the IMO has recognized second-harvest corn ethanol produced in Brazil as compatible with maritime transport.

MME INSTALLS WORKING GROUP ON ADVANCED NUCLEAR REACTORS IN BRAZIL

On April 22, the MME held the 1st ordinary meeting of Working Group No. 19 ("GT-19"), within the scope of the Brazilian Nuclear Program Development Committee ("CDPNB"). The meeting marked the installation of the collegiate body, which will discuss the national infrastructure for nuclear power reactors, with a focus on the introduction of small and micro modular reactors in the country.

Established by CDPNB Resolution No. 43, of January 6, 2026, GT-19 is intended to assess the technical, regulatory and institutional aspects required for the incorporation of new nuclear technologies in Brazil. At the meeting, the strategic context of the CDPNB, the reasons for creating the group by the National Nuclear Safety Agency ("ANSN"), and the governance and working methodology proposal prepared by the MME were presented.

The group's priority topics include the definition of installation sites, radioactive waste management, the training of qualified personnel, operating models, financing, technology selection and the development of the supply chain. The group is expected to prepare a consolidated document with guidelines and recommendations to support strategic decisions within the scope of the Brazilian Nuclear Program.

The initiative follows Brazil's endorsement, on March 10, of the Declaration to Triple Nuclear Energy by 2050, announced during the II Nuclear Energy Summit in Paris, organized by France with support from the International Atomic Energy Agency ("IAEA").

MME AND CNPE ADVANCE MEASURES TO REGULATE OFFSHORE WIND POWER

On April 1, the CNPE approved a resolution establishing guidelines for the regulation of Law No. 15,097/2025, which addresses the use of offshore energy potential. The measure stems from the activities of the Offshore Wind Working Group ("GT-EO"), established by the Council in October 2025, and addresses areas such as the regulatory framework, planning and identification of areas, digitization of processes and preparation of technical studies.

Among the approved guidelines, the resolution adopts a 12-nautical-mile distance from the baseline as the initial reference for the locational definition of the prisms, allowing for its review based on specific technical studies and the guidelines of Marine Spatial Planning. The rule also provides that the Energy Research Office ("EPE") will conduct technical studies, with support from GT-EO.

The resolution indicates that the CNPE may define priority areas for the establishment of prisms under the planned offering model, considering energy potential, implementation costs, distance from port and transmission infrastructure, socioeconomic and environmental criteria, and the promotion of competition among agents. The rule further establishes that offshore areas will be managed through the Offshore Area Management Single Portal ("PUG Offshore"), intended to centralize and digitize the requests and procedures necessary to obtain the Prior Interference Declaration ("DIP"). Finally, among the next steps, the rule highlights the preparation of the proposed regulatory decree for Law No. 15,097/2025 and the definition of the DIP approval workflow by May 2026.

Continuing the actions aimed at developing this source, on May 12 the MME opened Public Consultation No. 223 on the study "Stakeholder Engagement Plan for the Development of Offshore Wind Power in Brazil." The document, prepared under the institutional coordination of the MME and EPE, proposes guidelines for the participation of governments, companies, local communities, fishers, environmentalists, experts and other stakeholders from the early stages of projects.

The study is organized into three volumes: (i) engagement fundamentals and stakeholder mapping; (ii) engagement plan for offshore wind planning; and (iii) engagement roadmap for projects using this source. The public consultation will remain open until June 1 and is part of the GT-EO activities aimed at consolidating the rules applicable to the sector.

CNPE APPROVES GUIDELINES FOR HYDRAULIC STORAGE AND THE RESUMPTION OF HYDROPOWER STUDIES WITH RESERVOIRS

On April 1, the CNPE approved two resolutions related to the role of hydraulic storage in energy planning. The first establishes guidelines for the development and contracting of Hydraulic Storage Systems ("SAH"), while the second determines EPE's role in carrying out hydropower inventory studies to identify and develop projects with storage capacity.

The resolution on SAH includes hydraulic storage among short-, medium- and long-term planning instruments. According to the MME, these systems make it possible to store energy during periods of lower demand and make it available during periods of greater need, contributing to the expansion of capacity supply, operational flexibility, the integration of variable renewable sources and the resilience of the electricity system.

The rule also provides for the use of auctions and other competitive mechanisms to contract these projects. The contracts must reflect the long-term nature of the investments, with remuneration linked to capacity availability and operational performance. The definition of technical requirements will be led by the MME, with support from the Brazilian Electric Energy Agency ("ANEEL"), the National Grid Operator ("ONS") and EPE.

At the same meeting, the CNPE approved a resolution requiring EPE to conduct hydropower inventory studies to map projects with storage capacity. The studies must adopt updated guidelines and prioritize multiple-use reservoirs, including power generation, irrigation, water supply and flood control.

The resolution also provides for an assessment of the strategic relevance of hydropower projects with reservoirs for energy and water security and for operational flexibility. EPE's work will be monitored by the National Secretariat for Energy Transition and Planning, will include public participation events, and must be aligned with the Ten-Year Energy Expansion Plan and the National Energy Plan, taking carbon neutrality targets into account.

MME ADVANCES ENERGY PLANNING AND MONITORING INSTRUMENTS

In March and April 2026, the MME adopted measures related to medium- and long-term energy planning, the energy transition and the monitoring of security of electricity supply. The initiatives include the public consultations on the Ten-Year Energy Expansion Plan 2035 ("PDE 2035"), the National Energy Plan 2055 ("PNE 2055") and the National Energy Transition Plan ("Plante"), in addition to the publication of the 2026 Electricity Sector Strategic Agenda Monitoring Report.

The MME closed the public consultations related to the PDE 2035 and the PNE 2055. The PDE 2035 has a ten-year horizon and includes projections on security of supply and sector expansion needs, while the PNE 2055 has a 30-year horizon and presents forward-looking scenarios, technological trends and guidelines for public policies and investments.

In addition, on April 29, the MME launched Public Consultation No. 222, concerning Plante, an interministerial action plan aimed at transforming energy production and consumption over the next 30 years. The document was presented in two volumes: one with strategic guidelines and another with the Action Notebook for the first cycle, covering the period from 2026 to 2029.

Plante is structured around three pillars: (i) energy security and resilience; (ii) energy, climate and environmental justice; and (iii) competitive energy for a low-carbon economy. The plan is part of the National Energy Transition Policy and is linked to existing planning instruments, such as the PDE and the PNE, providing for four-year cycles for monitoring, assessing results and reviewing actions. The consultation remains open for contributions until June 12.

ANEEL LAUNCHES GUIDE ON CLIMATE CHANGE AND ENERGY TRANSITION

The Brazilian Electric Energy Agency ("ANEEL") launched the "Practical Guide on Climate Change and Energy Transition." The document brings together updated technical information on energy transition, just transition and climate change, focusing on the incorporation of concepts, guidelines and practices into the Agency's internal processes.

The Guide was prepared to support ANEEL's technical staff in the instruction of proceedings and in improving regulatory action. The initiative is part of ANEEL's Strategic Plan 2024-2027, within the objective related to the energy transition, the fair allocation of its effects and social and climate responsibility.

MME OPENS PUBLIC CONSULTATION ON THE EXPORT OF HYDROPOWER GENERATION

On April 27, 2026, the MME opened Public Consultation No. 220 on a proposal to improve the guidelines for interruptible, non-return electricity exports to Argentina or Uruguay. The proposal addresses the export of surplus generation from hydropower plants centrally dispatched by the ONS, available to supply, whose generation is transmissible and cannot be allocated to system load.

The draft ordinance proposes the creation of Anticipated Turbinable Spilled Energy ("EVT-A"), a modality associated with the prospect of future turbinable spillage. Turbinable spillage corresponds to the hydropower generation potential that, because it cannot be absorbed by the system´s load, would result in the non-use of water that could pass through the turbines to produce energy. In the case of EVT-A, exports would be anticipated in specific operating windows, based on the expectation of future surplus. The proposal provides for an operating cycle with an export period and subsequent recovery of storage, subject to reliability criteria defined by the ONS.

The proposal also establishes that exports are exempt from the need for contractual backing and rules out compensation for export interruptions, while the ONS must consider the requested amounts in daily operation scheduling. Contributions may be submitted until June 11, 2026.

NATURAL GAS, BIOMETHANE AND BIOFUELS

CNPE ESTABLISHES DECARBONIZATION TARGET FOR THE NATURAL GAS MARKET

On May 6, CNPE Resolution No. 04/2026 was published, establishing the Greenhouse Gas (GHG) emissions reduction target to be complied with by obligated agents in the natural gas market through the participation of biomethane in natural gas consumption. The initial annual emissions reduction target was exceptionally set at 0.5%, applicable as from the publication of the resolution, and applies to natural gas producers and importers that market natural gas within the scope of the Federal Government's jurisdiction.

The Permanent Technical Committee on the Future Fuel Program (CTP-CF) shall establish a Biomethane Market Monitoring Board, coordinated by the MME, with a view to restoring the 1% target, as provided for in Decree No. 12,614/2025.

The ANP was recommended to implement measures to ensure transparency regarding biomethane market data, in support of the monitoring activities. For purposes of converting the target into biomethane volume, the following Carbon Intensities (CI) were established: (i) Vehicle Natural Gas (VNG) — 76.85 gCO2eq/MJ; (ii) Natural Gas as an input for electricity generation — 73.52 gCO2eq/MJ; and (iii) Biomethane — 8.55 gCO2eq/MJ.

The 0.5% target, converted based on these parameters, corresponds to a volume of 181,728,000 m³, equivalent to 504.8 thousand m³/day of biomethane. The resolution was enacted based on Law No. 9,478/1997, Law No. 14,993/2024 (Future Fuel Program), and Decree No. 12,614/2025.

CNPE Resolution No. 04/2026 may be accessed through the following link.

ANP APPROVES ACCREDITATION OF THE FIRST BIOMETHANE ORIGIN CERTIFICATION AGENT (ACO)

On April 6, the ANP, through Order STM-ANP No. 519/2026, approved the accreditation of the first ACO. Instituto Totum de Desenvolvimento e Gestão Empresarial Ltda. was authorized to carry out the certification activity for biomethane producers. The instrument is essential for the issuance of the Biomethane Certificate of Guarantee of Origin (CGOB), through which producers and importers offset their GHG emissions.

CNPE ESTABLISHES GUIDELINES FOR THE NATIONAL BIODIESEL PRODUCTION AND USE PROGRAM (PNPB)

On May 6th, CNPE Resolution No. 5/2026 was published, establishing the guidelines for the regulation of the Social Biofuel Seal, with a view to operationalizing the PNPB and implementing the objectives of the National Energy Policy. The regulation establishes as an objective that 80% of the total volume of biodiesel commercialized in Brazil, for purposes of complying with the mandatory blending percentage applicable to Diesel B, originate from producers holding the Seal.

The Ministry of Agrarian Development and Family Agriculture (MDA) shall be responsible for operationalizing the management of the Social Biofuel Seal database in order to support the issuance of regulations and the improvement of the public policy. Furthermore, the MDA and the MME shall submit, in the second half of 2026, a report regarding the impacts of the Seal on fuel prices and fuel supply in the country.

Finally, the CNPE establishes that the Ordinance addressing the procedures for granting the Seal shall be based on regulatory stability and the principle of legal certainty, enabling the production planning of producer agents.

CNPE Resolution No. 5/2026 may be accessed through the following link.

MME PUBLISHES GUIDELINES FOR THE NATIONAL SUSTAINABLE NAVIGATION FUEL PROGRAM (PNCSN)

On April 17, the MME presented, during a workshop, the pillars and guidelines of the National Sustainable Navigation Fuel Program (PNCSN), following approval by the CNPE. The proposal was formulated based on the report of the Working Group established by CNPE Resolution No. 10/2024. The objective is to create a technical basis enabling the establishment of a public policy to encourage biofuels in Brazilian maritime and inland waterway transportation.

The program is structured around pillars such as promoting domestic biofuel production, creating regulatory instruments (such as RenovaBio), and achieving the GHG reduction targets established by the IMO. The guidelines aim to create policies encouraging demand, the use of electric energy at ports, and the establishment of national and international green shipping corridors.

In addition, financing solutions are proposed for the decarbonization of waterway transportation. The report highlights the need to mobilize public credit lines, the Merchant Marine Fund, and the Climate Fund, as well as pilot projects involving biofuels at strategic ports.

The Final Report of the Working Group may be accessed through the following link.

IMO APPROVES BRAZILIAN CORN ETHANOL AS MARINE FUEL

On May 4, 2026, the IMO recognized second-crop corn ethanol produced in Brazil as compatible with maritime transport. This is the first biofuel to have its carbon footprint defined and approved by the organization. The standard value for corn ethanol was set at 20.8 gCO2e/MJ, whereas the value for bunker fuel is 93.3 gCO2e/MJ.

Second-crop corn ethanol is obtained by planting the grain after the first soybean harvest, contributing to sustainable land use. Furthermore, the use of biofuels in maritime transport aligns with the goals proposed by the IMO 2023 Strategy, which aims for a 40% reduction in the carbon intensity of international maritime transport by 2030.

CONTACT US

“Our Newsletter aims to keep our clients updated with the latest news and regulatory changes in the Energy Transition sector. For detailed legal advice, please contact our specialized team:

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