

CONVERSION INTO LAW OF MP THAT ELIMINATED CUT-OFF DATE FOR ENROLLMENT IN THE RURAL ENVIRONMENTAL REGISTRY SETS NEW DEADLINE FOR JOINING PRA

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Executive Order (MP, in its abbreviation in Portuguese) No. 884/19, converted into law last October 17th, amended the Forest Code (Law No. 12,651/2012) so as to provide that registration in the Rural Environmental Registry (CAR) shall be mandatory for all rural properties and holdings.

As a result of this conversion into law, Federal Law No. 13,887/19 maintained the amendment brought in by MP 884 to the third paragraph of article 29 of the Forest Code, reinforcing that registration in the CAR, besides being mandatory, has an indefinite term.

The cut-off date for enrolling in the CAR was being extended by various regulatory changes since the register was established. The period initially established in the Forest Code for adhesion was one year as of the approval of the code, with possible extension for an equal period.

With the enactment of Law No. 13,295/16, the deadline for enrollment in the CAR was changed and the deadline of December 31, 2017, was set. As provided for in the initial wording of the Forest Code, Law No. 13,295/16 also allowed extension of the deadline for another year and provided for enrollment in the CAR by December 31, 2018.

After the deadline established by Law No. 13,294/16, Executive Order No. 867/18, approved on December 31, 2018, postponed registration in the CAR until December 31 of this year. However, the MP was not converted into law, which gave rise to questions related to the validity of the extension.

After various debates, MP 884 was approved on June 14th of this year, aiming to make the CAR a more effective and permanent tool for management of rural farms through establishing a system open to updates and new enrollments at any time. The MP extinguished the deadline for registration in the CAR, which was formalized in Law No. 13,887/19.

That same law included paragraph 4 in article 29 of the Forest Code to establish that landowners and owners of rural properties that enroll in the CAR by December 31, 2020, will be entitled to adhere to the Environmental Regularization Program (PRA). Established by article 59 of the Forest Code, the PRA must be implemented by the Federal Government, the states, and the Federal District. The objective is to adapt consolidated rural areas in permanent preservation areas (PPAs) and legal reserves to partial restoration parameters established in the Forest Code.

Since the original publication of the Forest Code, it was provided that enrollment in the CAR is a basic requirement for the adhesion to the PRA by owners and holders of rural property.

New deadline for adhesion to the PRA

Considering the new provision and the determination that CAR members will be entitled to adhere to the PRA until December 31, 2020, it was also necessary to amend article 59 of the Forest Code. The new wording of the provision establishes that owners and holders of rural properties may adhere to the PRA within two years from the registration of the rural property in the CAR, subject to the provisions of paragraph 4 of article 29. Thus, those who register with the CAR on the last day of the deadline (December 31, 2020) will have up to December 31, 2022, to apply to adhere to the PRA.

This adhesion, in addition to ensuring the regularization of rural areas that are currently in disagreement with the provisions of the Forest Code, will suspend any administrative sanction arising from this situation during the implementation of the measures proposed. When the measures are fulfilled, fines for irregular interventions in APP and legal reserves will be converted into services aimed at environmental preservation and recovery, which is beneficial to all.

The constitutionality of the PRA was recognized by the Federal Supreme Court in the judgment of direct suits of unconstitutionality of No. 4,901, 4,902, 4,903, and 4,937 and Declaratory Action No. 42/19, the judgment of which was published on August 12th of this year. With the new period for adhesion to the PRA and confirmation of its constitutionality, it is expected that the environmental agencies will actually work to implement these programs in order to allow effective adhesion of owners and holders of rural property to alternatives in order to regularize the environmental situation of rural areas.

