ENVIRONMENTAL

FEDERAL DECREE ESTABLISHES REGULARIZAGRO

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With the purpose of advancing the agenda of environmental regularization in all Brazilian biomes and ensure compliance with the Brazilian Forest Code, the Ministry of Agriculture, Livestock and Supply (*Ministério da Agricultura, Pecuária e Abastecimento*), published on March 29, 2022, the Federal Decree 11015/22, which establishes the National Plan for Environmental Regularization of Rural Properties (RegularizAgro) and its Managing Committee.

RegularizAgro aims to develop a government action plan that includes the Federal Government and the States and develops through:

> proposal of measures to comply with the principles and guidelines of environmental regularization in rural properties and possessions;
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> coordination of public and public-private strategies and actions aimed at environmental regularization of rural properties;
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> guidance of government action to carry out the regularization of rural properties, in compliance with the obligations provided for in the Forestry Code;
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> articulation of efforts, at the federal, state, district and municipal levels, of a political, strategic, normative and technological nature, in order to ensure the necessary institutional and organizational alignment between the public agencies responsible for the implementation of the Environmental Regularization Program (*Programa de Regularização Ambiental* - PRA) at the state and district levels of rural properties; and
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> promotion of actions aimed at the environmental recovery of rural properties, without losing the productive aspects of the areas, in compliance with the legislation and in articulation with all federal entities.

One of the objectives of the plan is *"to promote and improve the integration of information systems and databases that enhance the application of the Rural Environmental Registry (Cadastro Ambiental Rural – CAR) in the context of land use planning, territorial management for the sustainable development of Brazilian agriculture and its interface with other public policies"*. It is also intended to improve the processes of environmental regularization with inclusion of information in the National System of Rural Environmental Registry (*Sistema Nacional de Cadastro Ambiental Rural* - Sicar).

RegularizAgro was regulated shortly before the 10th anniversary of the Forestry Code (Law 12651/12), which, among several innovations, created the Rural Environmental Register (CAR).

The CAR is the national and mandatory electronic public register of rural properties. It aims to integrate environmental information of rural properties and possessions, as well as to establish a database for control, monitoring, environmental and economic planning and combating deforestation.

For CAR enrollment, the owner or possessor has to submit information of the rural property, such as:

> identification of the owner or holder of the rural property;
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> evidence of ownership or possession; and
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> presentation of the plan and descriptive memorial for the area, which shall encompass "the location of the remnants of native vegetation, protected areas, restricted use areas, consolidated areas and the location of the Legal Reserve", if any, according to Art. 29 of the Forestry

Enrollment in CAR must be executed through an electronic system in the applicable state agency in which the rural property is located. After this stage, those responsible for areas with environmental liabilities originated by the suppression of native vegetation carried out until July 22, 2008 in Permanent Preservation Area (*Área de Preservação Permanente -"APP")*, Restricted Use Areas and Legal Reserve (*Áreas de Uso Restrito e Reserva Legal*) may opt to adhere the PRA.

Creation of the Managing Committee

Decree 11015/22 also establishes for incorporation of managing committee that, among other assignments, should develop and approve strategies, goals, monitoring indicators and deadlines of RegularizAgro, as well as contribute to the success of public and public-private initiatives aimed at environmental regularization.

The committee shall be composed of:

> two members of the Ministry of Agriculture, Livestock and Supply (one from the Brazilian Forest Service

(*Serviço Florestal Brasileiro* – SFB) and another from the Secretariat of Agricultural Policy);

a member of the National Institute of Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária* - Incra);

a member of the Ministry of the Environment (*Ministério do Meio Ambiente*);

a member of Empresa Brasileira de Pesquisa Agropecuária (Embrapa);

a member of the National Council of Secretaries of State for Agriculture (*Conselho Nacional dos Secretários de Estado de Agricultura* - Conseagri); and

a member of the Brazilian Association of State Environmental Entities (*Associação Brasileira de Entidades Estaduais de Meio Ambiente* - Abema).

Each entity has up to 30 days from the publication of the decree to indicate its representatives.

The decree allows agreements, cooperation arrangements and adjustments to be signed with administrative entities and with private entities and international organizations.

It will be important to closely monitor the implementation of RegularizAgro, especially to assess the impact of the current diversity of systems adopted for registration in the CAR. The Forestry Code provides that the enrollment of rural property in the CAR should be carried out preferably in the municipal or state environmental agency and, currently, there are several systems in operation.

Information released by the Ministry of Agriculture, Livestock and Supply in January 2021 demonstrate, for example, that five states had their own electronic systems for registration in CAR: Bahia, Espírito Santo, Mato Grosso do Sul, São Paulo and Tocantins. Six states use applications developed within the federal level, but with their own database: Acre, Mato Grosso, Minas Gerais, Pará, Rio Grande do Sul and Rondônia. The other states used Sicar applications and information technology infrastructure provided by the SFB and the Ministry of Environment.

With RegularizAgro, it is expected easier and more efficient interaction between entities of the Public Administration (federal, state and municipal). This could enhance the effectiveness of the regularization of rural lands in the country and contribute to an increase in actions to protect native vegetation and other protected areas.

After the appointment of the members of the managing committee and the technical chambers of specific subjects to fulfill the purposes of RegularizAgro, the Ministry of Agriculture, Livestock and Supply has 180 days to present the results of the project. After this period, complements and new guidelines on the subject may be issued.