INFRASTRUCTURE AND ENERGY

SENATE APPROVES BILL NO. 2,780/24 ESTABLISHING THE NATIONAL POLICY ON CRITICAL AND STRATEGIC MINERALS

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The Federal Senate has approved Bill No. 2,780/24 (PL 2,780/24), introduced by Representative Zé Silva (União-MG), which establishes the National Policy on Critical and Strategic Minerals (PNMCE) and creates the National Council for the Industrialization of Critical and Strategic Minerals (CIMCE), linked to the Office of the President. The Chamber of Deputies approved the bill on May 6, 2026, and it now awaits presidential sanction.

The approval comes amid global competition for minerals essential to the energy transition, food security, defense, and technological development. Given its strategic reserves, Brazil may, once the bill is signed into law, have a comprehensive regulatory framework for the sector's governance, financing, innovation, and industrialization.

The main provisions of the bill include:

- **CIMCE approval of strategic transactions:** transactions involving critical and strategic minerals—such as transfers of corporate control, reorganizations, execution of international off-take agreements, and sharing of strategic geological information—must be submitted to the CIMCE for approval under a procedure to verify regulatory compliance and protect national interests and sovereignty;
- **establishment of the Mineral Activity Guarantee Fund (FGAM):** the bill authorizes the Federal Government to establish a private fund for the mining sector, with federal contributions of up to BRL 2 billion and additional contributions from the private sector. The FGAM will serve as a guarantor to facilitate critical-mineral projects, particularly during the pre-operational phase;
- **tax incentives for mineral industrialization—up to BRL 5 billion:** the bill creates the Federal Program for the Processing and Transformation of Critical and Strategic Minerals (PFMCE), which will grant tax credits of up to 20% of expenditures incurred on mineral processing and transformation in Brazil. The aggregate cap will be BRL 1 billion per year from 2030 through 2034, totaling up to BRL 5 billion during that period. The measure seeks to bring higher-value-added production stages, such as the manufacture of battery materials and fertilizers, into Brazil. The credits may be offset against CSLL liabilities or reimbursed, in accordance with the rules set forth in the bill;
- **private mining *streaming* and *royalty* contracts:** the bill formalizes these financial instruments, enabling the advance receipt of future revenues and their useas collateral in credit transactions, with registration at the National Mining Agency (ANM);
- **low-carbon certification:** the bill creates the **Low-Carbon Mineral Certificate (CMBC)**, a voluntary certification designed to distinguish producers that adopt sustainable practices and promote the international competitiveness of Brazilian mineral products in markets with increasingly stringent environmental requirements; and
- **mandatory investments in research and development (R&D):** companies in the sector will be required to allocate 0.5% of their gross operating revenue to innovation, science, and technology projects focused on geological research, decarbonization, the circular economy, and technological development.

During the debate in the Senate plenary session, the rapporteur, Senator Eduardo Braga (MDB-AM), stated that transactions subject to the approval requirement under the approved bill would not be affected by the new requirements retroactively. This statement is relevant to the legal certainty of transactions already underway in the sector, although the practical application of the new policy will depend on the final text signed into law and subsequent regulations.

Next steps

The approved bill delegates the definition of various operational criteria, control guidelines, and technical lists to subsequent regulation by decree of the Executive Branch or resolutions of the CIMCE. The main outstanding matters include: the official list of critical and strategic minerals; the mechanism for screening and controlling foreign investment; the operation of the FGAM; the eligibility and prioritization criteria for projects under the PNMCE; funding obligations for research and development and for the FGAM; and the composition, operation, powers, and administrative structure of the CIMCE.

Contact Machado Meyer Advogados' mining team to assess the impact of Bill No. 2,780/24 on your business and monitor the next steps. You may also follow publications on the Legal Intelligence portal for updates on this matter.