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ENVIRONMENTAL LICENSING IN BRAZIL

AFTER THE PUBLICATION OF LAW 15.190/25

THE GENERAL ENVIRONMENTAL LICENSING LAW UNIFIES PROCEDURES ON THE SUBJECT. THE NATIONAL CONGRESS IS ALREADY ANALYZING A BILL OF LAW THAT CHANGES SOME OF ITS PROVISIONS.

Published on August 8th, 2025, the General Environmental Licensing Law (Law 15,190/25) establishes the guidelines on environmental licensing in the country. Until then, Brazil did not have a general law on the subject, resulting in inconsistencies among federal, state, and municipal regulations which generated divergences between federal and state rules and municipal services.

Recognized as a regulatory framework, the General Environmental Licensing Law unifies procedures previously scattered across various legal instruments, such as Complementary Law 140/11, Resolution 237/97 of the National Council for the Environment (Conama) and state-level regulations.

The law was sanctioned with 63 presidential vetoes. However, after consideration by the National Congress, on November 27, 2025, 52 of them were overturned and the respective provisions returned to the text of the law.

The law came into force on February 4, 2026 – 180 days after its publication – and there is already a bill of law (PL 3.834/25), presented by the executive branch, which proposes to amend specific provisions of the General Environmental Licensing Law.

In this eBook, we present:

- the main changes brought by this relevant law, including the analysis of the provisions reinstated with the overturning of the vetoes of the Presidency of the Republic by Congress;
- aspects of Federal Law 15,300/25 regarding the Special Environmental License (LAE); and
- the main objectives of PL 3,834/25, which aims to amend provisions of the General Environmental Licensing Law.

This material contributes to the comprehension of the new rules and fundamentals related to environmental licensing in Brazil.

CHECK OUT THE DRAFTING PROCESS OF GENERAL ENVIRONMENTAL LICENSING LAW

1. The Bill of Law is presented in the Chamber of Deputies (PL 3.729/04).
2. After being approved in the Chamber, it is sent to the Senate (PL 2.159/21).
3. After being approved in the Senate, it is sent back to the Chamber for analysis of the amendments approved by the senators.
4. General Environmental Licensing Law (Law 15,190/25) is sanctioned by the President of the Republic with a partial veto (63 vetoes).
5. Presidential vetoes are considered by Congress, which rejects 52 of them.
6. Final text of the law is published.

MAIN CHANGES INTRODUCED BY THE GENERAL ENVIRONMENTAL LICENSING LAW

- **Elimination of regulatory conflicts**

  The General Environmental Licensing Law sought to eliminate interstate regulatory conflicts, ensuring **higher regulatory stability.**

- **Definition of size and polluting potential of the activity or enterprise (Article 3, items XXXV and XXXVI)**
  - The size of the activity or enterprise is defined based on pre-established criteria by the competent federal entity.
  - The pollution potential is a qualitative or quantitative assessment that measures the capacity of an activity or enterprise to cause negative environmental impact, based on pre-established criteria by the competent federal entity.

  Both definitions were vetoed by the President of the Republic, however the vetoes were overturned by Congress and they ended up being reintegrated into the law.

- **Assignment of powers to the state and municipal licensing authorities to define the activities and enterprises subject to environmental licensing, the licensing procedures and modalities (Articles 4, §1 and 18, §1)**
  - The licensing authorities of the federative entities have the prerogative to define the types of activities or enterprises subject to environmental licensing, as well as the respective studies.

  This provision was vetoed by the President of the Republic under the justification that they are unconstitutional, as they would disregard the competence of the Federal Government to define general rules (established in articles 23 and 24 of the Federal Constitution). The veto was overturned by Congress and the prerogative was reintegrated into the law.

- **Definition of the modalities of environmental license (Article 5)**
  - Preliminary License (LP);
  - Installation License (LI);
  - Operating License (LO);
  - License (LAE);
  - License by Adhesion and Commitment (LAC);
  - Corrective Operation License (LOC);
  - Special Environmental.

- **Definition of the validity period of licenses (Article 6)**
  - LP, LI and LI in the two-phase process (LP/LI): minimum of three years and maximum of six years.
  - LO, LI in the two-phase process (LI/LO), LAU, LOC, LAE, LAC: minimum of five years and maximum of ten years.

- **Automatic renewal of licenses for enterprises or activities with low or medium polluting potential and small or medium-sized magnitude (Article 7)**
  - Allowed as long as:
    - the characteristics and magnitude of the activity or enterprise have not changed;
    - there is no change in the applicable laws and regulations;
    - a declaration attesting full compliance with the conditions is submitted.

- **Activities dismissed from environmental licensing (Article 8, 9 and 10):**
  - military activities related to the preparation and use of the Armed Forces;
  - activities that do not use environmental resources, are not potentially or effectively polluting, or incapable of causing degradation to the environment in any way;
  - activities not included in the lists defined by the licensing authorities;
  - emergency works and interventions in response to the collapse of infrastructure works, accidents or disasters;
  - urgent works and interventions that aim to prevent the occurrence of imminent environmental damage or adjourn a situation that poses a risk to life;
  - public service works for the distribution of electricity up to 138 kV carried out in urban or rural areas;
  - services and works aimed at the maintenance and improvement of infrastructure in pre-existing facilities or in rights-of-way and easement areas (art. 8, VII);

    This provision was vetoed by the President of the Republic due to doubts about the existence of previous environmental licensing for these activities, with the risk of leading to previous irregular works being legitimized. The veto was overturned by Congress, but new wording was suggested by the executive branch within the scope of PL 3,834/25.

  - voluntary delivery points or equivalent facilities covered by reverse logistics systems;
  - ecopoints and ecocenters;

- agriculture, extensive livestock farming, semi-intensive livestock farming and small-scale intensive livestock farming;
- authorized agricultural research that does not entail biological risks;
- water and sanitary sewage treatment systems, until the achievement of the universalization goals provided in the Basic Sanitation Law;
- activities developed on rural properties with a Rural Environmental Registry (CAR) pending approval by environmental agencies (art. 9, §1, II, "a").

Provision vetoed by the President of the Republic to align the procedure with the requirements of the Forest Code. The veto was overturned by the Congress and the provision was reintegrated into the law.

- **Potential for small dams for irrigation to be considered public utility (Article 9, §7)**

Provision vetoed by the President of the Republic under the justification that a declaration of public utility for private areas is not appropriate. The veto was overturned by Congress and the provision was reintegrated into the law.

- **Simplified environmental licensing for projects related to water supply, sanitary sewage and national energy security (Article 10)**

Provision vetoed by the President of the Republic due to the absence of a clear definition and the risk of involving activities or enterprises with high environmental striking impact. Additionally, according to the government, it would ease the licensing and relativize the requirement for adequate environmental studies and issues of soil and water contamination. The veto was overturned by Congress, but the executive branch intends to institutionalize simplified licensing for projects related to water supply and sewage when combined with the expansion or installation of transmission lines within highways right-of-war, through PL 3,834/25.

- **Provisions on environmental licensing conditions (Article 14)**
  - The establishment of conditions to environmental licenses must aim at the prevention, mitigation and compensation of negative environmental impacts, in that order. In addition, the conditions:
    - must be proportional to the magnitude of the environmental impacts of the activity or enterprise identified in the studies conducted during the licensing process, in addition to presenting technical justification that demonstrate their causal link with the impacts;
    - cannot oblige the entrepreneur to maintain or operate services under the responsibility of the public authorities; and
    - are not applicable to mitigate or compensate for indirect environmental impacts or to remedy deficiencies or damages resulting from omissions by the public authorities.

The criteria for applying the conditions were vetoed by the President of the Republic on the grounds that they would limit their use. The vetoes were overturned by Congress, but PL 3.834/25 presented by the executive branch aims to reinstate the restrictions.

- **Institution of the Unified Environmental License – LAU (Article 21)**
  - Simplified environmental licensing modality, in which the assessment of the feasibility, installation and operation of the enterprise or activity will occur in a single phase, (which means without the three-phase process).
  - Environmental studies, to be defined by the licensing authority, are not exempt.

- **Simplification of licensing through the License by Adhesion and Commitment – LAC (Article 22)**
  - Self-declaratory licensing modality, in which the entrepreneur, through a project characterization report (RCE), attests compliance with environmental standards.
  - Although already provided for in some states (including São Paulo, Minas Gerais, Santa Catarina and Bahia), the modality was expanded to the federal level, as a self-declaratory mechanism with predefined conditions.
  - Applicable for activities and enterprises:
    - qualified, simultaneously, as small or medium-sized, and low or medium potential polluter;

      This provision was vetoed by the President of the Republic, aiming at applying the LAC only to small-sized enterprises with low polluting potential, and not to those medium-sized projects or with medium polluting potential. The veto was overturned by Congress and the provision was reintegrated into the law.

    - which the general characteristics of the area, the installation and operation conditions, the environmental impacts and the necessary environmental control measures are known; and
    - without suppression of native vegetation that requires specific authorization.
  - Applicable for services and works aimed at:
    - increasing capacity and paving in pre-existing facilities or within right-of-way and easement areas; and
    - activities and projects related to water supply and sanitary sewage disposal. (Article 11)

      Provision vetoed by the President of the Republic on the grounds that a declaration of public utility for private properties is not appropriate. The veto was overturned by Congress and these hypotheses were reintegrated into the law.

  - Through the text of the new PL 3,834/25 presented by the executive branch, it is intended to establish new conditions for the use of the LAC.

- **Institution of special licensing for strategic activities or enterprises – LAE (Article 24)**
  - The LAE is a priority licensing modality, with a special procedure, applicable to activities or enterprises deemed strategic, as defined in a decree based on a biannual proposal from the Government Council, which will allocate a technical team permanently dedicated to the function, in accordance with regulations.
  - Added by Federal Law 15,269/25, §2 of Article 24 establishes that the LAE must be applied to hydroelectric plant and their reservoirs, due to the strategic nature of these units for water and energy security, for the stability of the National Interconnected System (SIN), and for the national energy matrix.
  - The General Environmental Licensing Law provided for the single-phase LAE process in Article 25. However, this provision was vetoed by the President of the Republic. According to the government, such provision would lead to excessive simplification of the process applicable to activities and enterprises with significant environmental impact, in addition to causing developers to incur substantial expenses before the environmental feasibility of the project had been demonstrated, which would be unproductive.

It should be noted that, on December 22, 2025, Federal Law 15,300/25 was published, which provides for the LAE.

- Article 2 of the statute defines the LAE as an administrative act issued by the licensing authority. This act establishes the conditions regarding the location, installation, and operation of a strategic activity or enterprise, enabling developers to obtain the license even when the activity involves the use of environmental resources capable of causing significant environmental damage.
- Article 4 sets out the following procedures required for obtaining the LAE:
  - definition of the content and preparation of the Term of Reference (TR) by the licensing authority, after consulting the relevant authorities, when applicable;
  - submission of the LAE application accompanied by the documents, designs, schedule, and environmental studies required, under the responsibility of the developer, as well as approvals, licenses, authorizations, certificates, water-use rights, and other documents necessary for the special environmental licensing process;
  - presentation of the relevant authorities' statement to the licensing authority, when applicable;
  - review, by the licensing authority, of the documents, designs, schedule, and environmental studies submitted, as well as the holding of a public hearing and, if necessary, a single request for additional or supplementary information
  - issuance of a conclusive technical opinion; and
  - granting or denial of the LAE.
- In addition to these procedures, the Environmental Impact Study/Environmental Impact Report (EIA/Rima) – prepared in accordance with the Terms of Reference defined by the licensing authority—is also identified as a requirement for the issuance of the LAE (Art. 4, §1).
  - According to Article 5, the LAE process must comply with the maximum period of 12 months for review and completion and may be divided into stages, counted from the submission of the relevant environmental study and other information or documents required by law.

- Article 6 considers reconstruction and repaving works on preexisting highways to be strategic when the segments in question constitute relevant strategic connections from the standpoint of national security, access to fundamental social rights, and integration between federative units. The provision establishes that such works must be recognized as priorities.

- **Possibility of regularization through a Corrective Operation License – LOC (Article 26)**

  - The LOC is intended for the regularization of an activity or enterprise that, on the date of publication of the General Environmental Licensing Law, is operating without a valid environmental license.
  - Corrective licensing may take place through an adhesion and commitment procedure. If it is not possible to issue the LOC, a commitment agreement must be executed between the licensing authority and the developer—according to the government, because it would be unacceptable to apply the adhesion-and commitment procedure to activities or facilities operating irregularly.

    Provision vetoed by the President of the Republic. However, the veto was overturned by Congress and the provision was reintegrated into the law.

  - The statute provides for the extinction of criminal liability for offenses arising from activities carried out without an environmental license, when the LOC is voluntarily requested and the necessary requirements for its issuance are fulfilled.

    Provision vetoed by the President of the Republic due to possible socio-environmental impacts resulting from the installation or irregular operation. The veto, however, was overturned by Congress and the provision was reintegrated into the law.

- **Public participation in licensing (articles 39 to 41)**

  - At least one public hearing must be held in environmental licensing processes for activities or enterprises subject to EIA, prior to the final decision on the issuance of the LP.
  - The public consultation provided for in item I of the caput of Article 39 of Law 15,190/25 may, at the discretion of the licensing authority, be used in all licensing modalities.

- **Statements from authorities involved in the licensing process (Articles 42 to 44)**

  - Authorities involved are those capable of expressing themselves in the environmental licensing process on impacts that affect indigenous lands, quilombola communities, cultural heritage or conservation units.
  - The participation of the authorities involved must occur before the issuance of the environmental license, according to the established deadlines and procedures.

- The statements issued by the authorities involved must be taken into consideration, but they do not bind the licensing authority's decision regarding the establishment of conditions or the issuance of environmental licenses. The absence of a statement from an involved authority does not prevent the continuation of the environmental licensing process.

  The provisions that restricted the participation of the authorities involved (Article 42, items I and III, and Article 44, §6) were vetoed by the President of the Republic, based on the need for managers of conservation units to issue opinions on the licensing of projects that directly affect the unit or its buffer zone. It was also argued that it was necessary to safeguard the rights of Indigenous peoples and quilombola communities through the statements issued by their respective competent authorities. The vetoes were overturned by Congress, but PL 3,834/25 presented by the executive branch seeks to include, as an exception to the continuity of the licensing process, cases involving conservation units.

- The requirement to consult the authorities involved applies to cases in which there are:
  - indigenous lands with homologated demarcation – or areas marked by the presence of isolated indigenous people – titled areas of remaining quilombola communities, within the maximum distances established by law.

    This provision (Art. 43, item I, "a" and "c") was vetoed by the President of the Republic, on the grounds that limiting mandatory consultation only to homologated or titled lands could undermine the protection of territories that have not yet been homologated or are still undergoing recognition procedures by Funai and by the Palmares Cultural Foundation. The vetoes were overturned by Congress, but the text of PL 3,834/25, submitted by the executive power, proposes adjusting the wording to require consultation with the authorities involved not only when there is a presidential decree homologating Indigenous lands or quilombola territories.

  - cultural assets, listed, registered or assessed within the direct area of influence.
  - conservation units or buffer zones (except Environmental Protection Areas) in the directly affected plant.

- **Maximum time frames for the agency's review and issuance of the license after submission of the studies (Article 47) – general rule:**
  - 10 months for LP, when the environmental study required is the EIA;
  - 6 months for LP in cases involving other types of studies;
  - 3 months for LI, LO, LOC and LAU;
  - 4 months for licenses under the two-phase procedure in which EIA is not required; and
  - 12 months for LAE.

- **Possibility of interference in conservation units for the preparation of technical and environmental studies (Article 54)**
  - Interference with the attributes of the conservation unit must be kept to a minimum.
  - The managing authority of the conservation unit must be informed, 15 days in advance, of the dates and times of the preparation of such studies, as well as their content and the methodology used.

These provisions (Art. 54, §§1 and 2) were vetoed by the President of the Republic on the grounds that they would limit the role of the managing authority to mere prior notice of 15 days, which would weaken the protection of conservation units, undermine the effectiveness of environmental preservation, distort the technical function of the competent authority, and violate Article 225 of the Federal Constitution. The vetoes were overturned by Congress, and the provisions were incorporated into the final text of the law.

- **Subsidiary liability of financiers and contractors for environmental damages resulting from the execution of activities subject to environmental licensing, when submission of the environmental license is not required (Article 58)**

This provision was initially vetoed by the President of the Republic, based on the argument that regulating the structure of liability for certain indirect polluters—such as contractors and financiers—could generate legal uncertainty and controversies in judicial proceedings involving environmental damage. The veto was overturned by Congress, and the provision was ultimately incorporated into the final text of the law.

- **Amendment to the law of the National System of Nature Conservation Units (SNUC) – Law 9.985/00 (Article 61)**
  - This provision repeals the requirement that the Chico Mendes Institute for Biodiversity Conservation (ICMBio) authorize the environmental licensing of enterprises with significant environmental impact within federal conservation units. The requirement for authorization was modified and replaced with a non binding statement limited to specific cases.

The amendment was vetoed by the President of the Republic on the grounds that it would significantly reduce the level of environmental protection afforded to conservation units and would be inconsistent with the SNUC, which provides for differentiated protection measures to ensure the long term preservation of species, habitats, and ecosystems. The veto was overturned by Congress, and the provision was amended.

- **Increase in penalties for services, works and enterprises unlicensed (Article 62)**
  - Law 9,605/98 (the Environmental Crimes Law) previously established a penalty of detention for one to six months, or a fine, or both cumulatively, for those who failed to obtain a license or authorization to build, renovate, expand, install, or operate facilities, works, or services that are potentially polluting.
  - Article 62 of Law 15,190/25 increases the penalty to detention for six months to two years, or a fine, or both cumulatively, and the penalty may be doubled in cases where the enterprise is subject to EIA.

- **Imposition of limitations on the subsidiary actions of environmental agencies in relation to the licensing agency (Article 65)**
  - In cases involving environmental degradation, the actions of the environmental agencies from other federative entities in relation to the licensing agency are limited to formally communicating the measures adopted.
  - The technical opinion of the licensing authority shall prevail over that of the non licensing authority with respect to the issuance of notices of infraction or other measures.

Article 65 was vetoed by the President of the Republic, on the grounds that it would restrict the supplementary role of such agencies in adopting measures to prevent and mitigate environmental impacts, as well as condition their validity on formal communication to the licensing authority. The veto was overturned by Congress, and the provision was incorporated into the final text of the law.

- **Amendment to the Atlantic Forest Law (Law 11.428/06) (Article 66, subparagraph III)**
  - Law 15,190/25 revoked §§1 and 2 of Article 14 of the Atlantic Forest Law, which required authorization from the competent state or municipal environmental agency for the suppression of primary vegetation and secondary vegetation in intermediate and advanced stages of regeneration. In both cases, the authorization depended on the prior consent of another federative authority.

The provision that established the revocation was vetoed by the President of the Republic, on the grounds that it would disregard the competence of the federal environmental agency to assess the conservation status of the Atlantic Forest biome and its capacity to withstand the various suppression requests submitted to states and municipalities. The veto was overturned by Congress, and the provision was revoked from the text of the Atlantic Forest Law.

BILL 3,834/25

On the same date the General Environmental Licensing Law was published – August 8, 2025 –, the executive branch submitted Bill of Law 3,834/25, which aims to amend the law by addressing vetoed provisions and filling important gaps.

The objectives of this bill were presented by the Minister of the Ministry of the Environment and Climate Change, Marina Silva, through the Explanatory Memorandum 30/25 (EM 30/25). In summary, they are:

- **to safeguard the constitutional principle established in Article 225, paragraph 1, item IV of the Federal Constitution;**
- **to improve concepts and procedures in order to provide greater terminological precision, legal certainty, and coherence with rules already consolidated under the National Environmental System (Sisnama) and Complementary Law 140/11;**
- **to strengthen environmental federalism;**
- **to preserve the autonomy of the licensing authority to establish conditions that have a causal link with the project, in accordance with the studies required during the process;**
- **to correct distortions regarding exemptions from licensing or the application of simplified procedures for improvement or maintenance works and other activities in already licensed enterprises;**
- **to ensure the predominance of the technical opinions of the competent environmental agency responsible for licensing, by establishing objective criteria for the supplementary actions of environmental agencies from other federative entities, in accordance with Complementary Law 140/11;**

- to reinforce the participation of the authorities involved, safeguarding the rights of indigenous and quilombola communities and peoples whose recognition processes have approved and published technical studies; and
- to protect the integrity of the specially protected territorial spaces provided for in the Federal Constitution – the conservation units.

Explanatory Memorandum 30/25 states that submitting the proposal to the National Congress under a request for constitutional urgency is justified by the imminent risk of judicial challenges to provisions of the General Environmental Licensing Law, which could compromise the regularity of projects of national relevance and generate widespread legal uncertainty in environmental licensing processes.

DEVELOPMENTS BEFORE THE SUPREME COURT (STF)

Since the announcement of Congress's decision to partially overturn the presidential vetoes to the General Environmental Licensing Law, three Direct Actions of Unconstitutionality (ADIs) have been filed: ADI 7,913, ADI 7,916, and ADI 7,919. All of them challenge the constitutionality of various provisions of the law. The actions have been assigned to Minister Alexandre de Moraes and are awaiting decisions on the requests for preliminary injunctions.

COUNT ON MACHADO MEYER

Machado Meyer Team is available to address any inquiries regarding the subject. Leveraging our legal expertise, we are able to provide comprehensive and thorough legal assistance to assess the impacts of the law and recommend the best solutions for our clients.

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