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FRAMEWORK OF  
ENVIRONMENTAL LEGISLATION IN  
BRAZIL BEFORE AND AFTER THE  
1988 FEDERAL CONSTITUTION

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# INTRODUCTION

The 1988 Federal Constitution was the first in Brazil to have a chapter dedicated to environmental protection, thereby accepting and reinforcing the environmental legislation of the time and promoting the creation of new rules.

Learn about the main events related to environmental legislation before and after the enactment of our Constitution.

## TIMELINE

Main events related to environmental legislation before and after the 1988 Federal Constitution



### NATIONAL POLICY ON THE ENVIRONMENT

#### Law nº 6.938/1981

It established the instruments for preservation, improvement, and recovery of the quality of the environment, such as environmental licensing. It innovated by instituting strict civil liability for environmental damage.

1981

### PUBLIC CIVIL ACTIONS LAW

#### Law nº 7.437/1985

It disciplined public civil actions for liability for moral and material damages caused to the environment and created the public civil investigation, two of the main instruments for environmental protection.

1985

### ENVIRONMENTAL IMPACT ASSESSMENT

#### CONAMA Resolution nº 01/86

It provided regulations relating to the environmental licensing process as regards the preparation of Environmental Impact Studies and the Environmental Impact Reports ("EIA/RIMA"). It is used for consultation on developments subject to the preparation of EIA/RIMAs still today.

1986

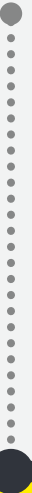
# TIMELINE

Main events related to environmental legislation before and after the 1988 Federal Constitution



## FEDERAL CONSTITUTION

First Brazilian constitution to have a chapter exclusively for the protection of the environment, which accepted in full the environmental legislation in force at the time.



1988

## REGULATION OF THE NATIONAL ENVIRONMENTAL POLICY

### CONAMA Resolution nº 237/1997

It regulates the aspects of environmental licensing established in the National Environmental Policy. For years, it was used to determine the time limits and competencies of environmental licensing until the advent of Complementary Law No. 140/2011.



1997

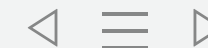
## NATIONAL WATER RESOURCES POLICY

### Law nº 9.433/1997

It created and delimited the operation of the Water Resources Information System; the National Water Resources Management System; the National Water Resources Council; the River Basin Committees; the Water Agencies, and the Executive Office of the National Water Resources Council. It provides for specific administrative infractions.

## TIMELINE

Main events related to environmental legislation before and after the 1988 Federal Constitution



### ENVIRONMENTAL CRIMES LAW

#### Law nº 9.605/1998

It provides for criminal and administrative sanctions arising from conduct and activities that harm the environment. It standardized penalties and established a gradation of criminal offenses. Its main novelty was criminal liability of legal entities and piercing of the corporate veil whenever it represents an obstacle to environmental recovery.

1998

### LAW ON THE NATIONAL SYSTEM OF NATURE CONSERVATION UNITS ("SNUC")

#### Law nº 9.985/2000

It instituted the National System of Nature Conservation Units, in addition to establishing criteria and norms to create, implement, and manage these territorial spaces. Article 36 was the subject of constitutional debate in ADI No. 3378, whereby the Federal Supreme Court ordered that the amount of environmental compensation for projects with significant environmental impact must be set by the environmental licensing body according to the degree of environmental impact caused by the development.

2000

### NATIONAL POLICY ON CLIMATE CHANGE

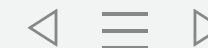
#### Law nº 12.187/2009

The legislation instituted the National Policy on Climate Change and established its guidelines. It adopted the national voluntary commitment to reduce emissions of greenhouse gases in Brazilian territory and provided for mitigation actions to fulfill it.

2009

## TIMELINE

Main events related to environmental legislation before and after the 1988 Federal Constitution



### NATIONAL SOLID WASTE POLICY

#### Law nº 12.305/2012

It instituted and established the principles, objectives, and instruments of the National Solid Waste Policy, including reverse logistics for the types of waste defined therein. It defines shared liability and sets forth separate administrative infractions.

2010

### COOPERATION BETWEEN THE ENTITIES OF THE FEDERATION

#### Complementary Law nº 140/2011

It provided regulations implementing article 23 of the Federal Constitution by establishing criteria for cooperation between the Federal Government, the States, the Federal District, and the Municipalities in the administrative functions arising from the exercise of common jurisdiction over the protection of the environment.

2011

### FOREST CODE

#### Law nº 12.651/2012

It established general rules on protection of vegetation, permanent preservation areas, and legal reserve areas; forest exploration; supply of forest raw materials; control of the origin of forest products; and control and prevention of forest fires. It sets forth economic and financial instruments to achieve its objectives. It was the object of constitutionality control actions, decided by the Federal Supreme Court in 2018.

2012

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