

Compliance and impact on the implementation of PRA

A review on Decree 11015/2022 RegularizAgro (PRA)

At the end of March, the Federal Government, through the Ministry of Agriculture, Livestock and Supply (MAPA), published Federal Decree No. 11015/2022.

In general terms, this decree established the National Plan for Environmental Compliance of Rural Properties, also known as RegularizAgro. The plan puts forward measures and strategies for compliance with the guidelines and principles of the Forest Code (Federal Law No. 12651/2012) regarding the implementation of Environmental Compliance Programs (PRA), an instrument used to cover forest liabilities of Legal Reserve (RL) and Permanent Preservation Areas (APP) of rural properties occurring until July 22, 2008 [1].

Every rural owner or holder registering with PRA by December 31, 2022[2] will be entitled to the benefits of the program, such as special approaches to compensate APPs, and the chance to compensate RLs or plant native species interspersed with exotic species. On the other hand, failure to register with PRA within the established period results in loss of benefits, and failure to cover forest liabilities may lead to environmental liability on a civil, administrative and criminal level.[3]

However, although 57.5% of farmers are interested in joining PRA[4], over the past few years, implementation of the Forest Code and start of compliance activities have had setbacks. Initially, the Rural Environmental

products using Environmental Database (CAR) was hardly validated due to the lack of land titling in rural areas, especially in rural settlements, (i.e., the environmental authority certifies the land titling or determines that it needs environmental compensation in order to join the program) [5].

Also, another barrier was that the state environmental authorities had no resources and capacity to analyze the records, therefore they could not collect and evaluate the data. In the end, the farmers with vegetation shortfalls signed an Instrument of Liability. Such factors resulted in as few as 19.28% of the records analyzed and validated.

The newly created RegularizAgro can be helpful, as it is intended to connect state and federal authorities, and supervise and monitor activities. To this end, a Management Committee was created to fulfill the RegularizAgro objectives. The Committee members are from the Brazilian Forestry Service and the Bureau of Agricultural Policy, both from MAPA; Ministry of Environment; National Institute of Colonization and Land Titling Reform; Empresa Brasileira de Pesquisa Agropecuária; National Council of State Secretaries of Agriculture and the Brazilian Association of State Environmental Entities.

[1] Federal Law No. 12651/2012, articles 59–68

[2] Federal Law No. 13887/2019.

[3] Federal Law No. 12651/2012, articles 59–68

[4] Newsletter – Special Issue 4th CAR Anniversary. As of May 29, 2018. Retrieved from

<https://www.florestal.gov.br/documentos/car/boletim-do-car/3657-boletim-informativo-edicao-especial-4-anos-car/file>

[5] As of April 5, 2022. Retrieved from <https://www.florestal.gov.br/numeros-do-car>

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However, it should be noted that the Decree is general and short, and does not describe the Plan's monitoring strategies, goals and indicators, and how these will produce results in the operationalization of the PRAs. Likewise, a management committee helping the state authorities to be in tune with the federal agencies, so far, is yet another administrative authority in the PRA scenario, meaning it is still uncertain whether in practice it will help the forest liabilities to be actually covered or it is just another bureaucratic initiative.

Finally, RegularizAgro does not address the lack of land titling in rural areas, the main bottleneck in the validation of CAR, hence the failure to register in PRA. It would be interesting if these strategies of coordination between the federal and state levels could include a way of tackling this critical issue. Therefore, only time will speak for the effectiveness of RegularizAgro in operationalizing the PRA.

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