"Climate Change and the transition to a low carbon economy": read the e-book

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Authors

Amir Achcar Bocayuva Cunha

Ana Cândida de Mello Carvalho

Ana Cristina Müller, D.Sc.

Ana Paula Reis

Anna Carolina Malta Spilborghs

Antonella Carminatti

Camila Goldberg

Carlos Frederico Lucchetti Bingemer

Conrado De Castro Stievani

Felipe Palhares

Gabriel Bürgel

Jane Goldman Nusbaum

José Guilherme Berman

José Inacio Ferraz de Almeida Prado Filho

Márcio Pereira

Rafael da Rocha Castilho

Raquel Mansanaro

Thais de Barros Meira

Marlus Oliveira

Topics

Carbon ESG Climate change Climate changes

"Climate Change and the transition to a low carbon economy", a publication by BMA Advogados, discusses the legal aspects of the carbon market, the impact of climate change on the economy, and the management of related legal risks. These reflections, in which we rethink legal relationships and our current way of life from the perspective of the transition to a low carbon economy, are made on the occasion of the 2021 UN Climate Change Conference – COP26 – taking place in Glasgow, Scotland, until November 12.

Click here to access the entire publication, or click on the titles below to go directly to the articles that interest you.

INTRODUCTION

Climate change and the law

By Amir Bocayuva and Márcio Pereira

Society has been demanding more concrete actions to reduce the impacts of economic development and consumption on the environment, driving an increase in regulation to promote decarbonisation, mitigation and adaptation.

SECTION I – CARBON MARKETS

ENVIRONMENTAL LAW AND CLIMATE CHANGE

Regulated carbon markets

By Márcio Pereira and Marina Maciel

Regulating a global market by means of consensus among the Conference of Parties is not a trivial task, especially considering the different regional interests at stake.

INFRASTRUCTURE AND REGULATORY & GOVERNMENT AFFAIRS

The new government contracting law and mitigating carbon emissions

By José Guilherme Berman

Mitigation practices are technological changes and substitutions that reduce the use of resources and emissions per unit of production, and implementation of measures that reduce greenhouse gas emissions and expand carbon sinks.

FINANCIAL AND CAPITAL MARKETS

Investment funds and carbon credits

By Jane Goldman Nusbaum

With the environmental issues at the center of the international debates, and governments and businesses assuming commitments to preserve forests and reduce emission of gases into the atmosphere, carbon credits have been attracting increasing attention from investors as well.

TAX

Some tax aspects of the carbon market

By Thais de Barros Meira and Andrea Oliveira

The law should expressly provide that amounts spent to acquire Per-GHGs are deductible for income tax purposes (IRPJ/CSLL). Those amounts should also generate PIS and Cofins credits for companies that are under the non-cumulative regime.

CORPORATE AND M&A

Carbon and corporate governance

By Ana Paula Reis and Mariana Gofferjé Pereira

The role of corporate governance in meeting commitments to reduce global carbon emissions.

SECTION II – ADAPTATION TO CLIMATE CHANGE AND NEW BUSINESSES

ENVIRONMENTAL LAW AND CLIMATE CHANGE

Basic sanitation and climate change

By Marlus Oliveira and Bruna Ferreira

Despite the rather blurred scenario, the lines for global action have been laid out for the interested parties.

ENVIRONMENTAL LAW AND CLIMATE CHANGE

Adaptation to climatic changes: biodiversity and agribusiness

By Julia Lenzi and Yuri Toledo

Brazil goes to COP26 committed to reach zero net GHG emissions in 2050, with discussions focusing on the use of land and forests and on agriculture.

ENERGY

Energy transition and reduction of carbon emissions

By Carlos Frederico Lucchetti Bingemer

The starting point for this rethinking of social and economic development under a low carbon economic model is the Paris Agreement.

INFRASTRUCTURE AND REGULATOY & GOVERNMENT AFFAIRS

Infrastructure: an instrument for mitigating the impacts of climate change

By Ana Cândida de Mello Carvalho

Infrastructure is responsible for 79% of all greenhouse gas emissions, and 88% of all adaptation costs. Of the various sectors, energy, transportation and construction are the largest sources of GHG emissions.

FINANCIAL AND CAPITAL MARKET

The Green Bond Market in Brazil

By Conrado Stievani, Gabriel Bürgel and Maria Luiza Belmiro

In the emerging world of “sustainable finance”, companies and financial institutions have developed securities that allow funds raised in the market to be allocated to the financing of sustainable businesses.

SECTION III – CLIMATE CHANGE AND LEGAL RISK MANAGEMENT

ENVIRONMENTAL LAW AND CLIMATE CHANGE

Human rights and climate change

By Beatriz Paulo de Frontin and Maria Luísa Paes

Although most climate litigation involves governments, some cases seek to hold companies liable based on human rights obligations.

COMPETITION

Antitrust and Climate Change

By José Inacio F. de Almeida Prado Filho

The main way to contain climate deterioration is certainly regulation, as the direct means of establishing measures to reverse the current status, including sources of financing.

COMPLIANCE, INVESTIGATIONS AND REGULATORY ENFORCEMENT

Compliance mechanisms and climate change

By Anna Carolina Malta Spilborghs and Henrique Machado Barbosa

Accommodating modern concepts of environmental protection in a structured compliance program has the potential not just to protect companies from criminal and civil liability, but to be a turning point toward a green economic recovery.

FINANCIAL AND CAPITAL MARKETS

The sustainability agenda in the national financial system

By Camila Goldberg

New rules on ESG factors and management of climate, social and enviornmental risks.

DATA PRIVACY AND CYBERSECURITY

Brazil's data protection law in trade agreements to reduce deforestation

By Felipe Palhares

When Brazil's General Data Protection Law (LGPD – *Lei Geral de Proteção de Dados Pessoais*) came into force, the market became intensely concerned over the collection, analysis, processing and sharing of personal data

DISPUTE RESOLUTION

Climate litigation

By Rafael Castilho, Raquel Mansanaro and Ana Carolina Lage

In Brazil, although litigation involving climate impacts is not yet significant, the country's position with respect to its international commitments increases the chances that climate litigation will grow.

› PROFESSIONALS

Professionals who combine legal insight and market perspective


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