BMA ADVOGADOS

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Topics

BMA Review

INSTITUTIONAL

Lifetime Achievement Award: A life dedicated to the law

By BMA Advogados

Paulo Cezar Aragão, one of BMA Advogados' founding partners, receives Chamber and Partners' highest accolade

SPECIAL TRIBUTE

"THE PELÉ OF BRAZIL'S LEGAL PROFESSION"

By BMA Advogados

Considered by many to be Brazil's foremost lawyer, Paulo Cezar Aragão is revered by partners of the law firm he helped to build

TAX

Proposed legislation to tax investments outside Brazil

By Hermano A. C. Notaroberto Barbosa

Since April 2023, the federal government has intended to introduce significant changes in the taxation of investments outside Brazil held by individuals who are Brazilian tax residents, including financial investments, offshore companies, and trusts.

LABOR AND EMPLOYMENT, COMMERCIAL CONTRACTS AND FRANCHISES

Brazil's Supreme Court rules on the constitutionality of other

ways of structuring work

By Cibelle Linero, Tatiana Sister, Larissa Medeiros Rocha and Letícia Gomes de Oliveira

The decisions reinforce the position that employment is not the only way to structure work and that other models, such as outsourcing, contracting services from professionals' legal entities, and franchise agreements, are also valid.

ENVIRONMENTAL AND CLIMATE CHANGE

Environmental regulation of offshore wind energy

By Márcio Silva Pereira, Marlus Oliveira and Alexandre Dantas

Offshore wind farms are growing in Brazil, but certain aspects of the environmental regulation of the sector require attention to establish favorable conditions for investment in the sector.

DATA PRIVACY AND CYBERSECURITY

Regulation of Brazil's General Data Protection Law

By Felipe Palhares

These days, companies that do not comply with the LGPD lose businesses, especially with organizations that have implemented privacy programs, since doing business with companies that are unable to demonstrate their compliance with the law can generate significant risks.

ENERGY

Brief Notes on Decommissioning in the Oil & Gas Sector

By Carlos Frederico Lucchetti Bingemer and Rodrigo de Teive e Argollo Mariani

As the production cycle in oil and natural gas fields approaches the end of its lifespan, decommissioning of offshore and onshore facilities has become a growing concern for the industry and presents significant challenges – and opportunities.

COMMERCIAL CONTRACTS AND FRANCHISES

20 years of flex-fuel vehicles in Brazil and the challenge of sustainable reinvention for the automotive industry

By Tatiana Dratovsky Sister and Priscila Prado Faloppa

In March of this year, Brazil's automotive industry celebrated the 20th anniversary of flex-fuel technology, which made it possible to fuel light-duty vehicles with ethanol, gasoline, or a mixture of both fuels. It was in March 2003 that Volkswagen launched to the national market the technology still used today through the Gol 1.6 Total Flex model.

DISPUTE RESOLUTION

Arbitration and public registries

By Luiz Fernando Fraga, Mario Felippe de Lemos Gelli and João Rafael Castro de Oliveira

Widely known and accepted in the legal and business worlds, arbitrations still face obstacles in public registries such as the Commercial Registries and the Immovable Property Registries, which are reluctant to accept that arbitral awards have the same force as judicial decisions.

DISPUTE RESOLUTION

The CAM-CCBC's New Corporate Arbitration Rules

By Matheus Barcelos, Guilherme Faoro and Julio Abritta

In effect since April of this year, the new rules seek to improve corporate arbitrations where the decision may affect third parties that are neither claimant nor respondent in the proceeding, addressing difficulties frequently encountered in practice.

Attachment of investment fund units: the implications of the Superior Court of Justice's decision

By Gustavo Santos Kulesza and Conrado de Castro Stievani

At the end of 2022, Brazil's Superior Court of Justice (STJ – Superior Tribunal de Justiça, the highest court in non-constitutional matters) took the position that attachment of units in an investment fund, as security for a debt under collection, does not transfer to the execution creditor the risk inherent in the investment or, consequently, ownership rights in the units. Any fluctuation of the value of the units subject to attachment, therefore, does not affect the creditor, either to the creditor's advantage or detriment, and consequently any growth in the value of the fund unit will not be passed on to the execution creditor (Appeal REsp 1.885.119/RJ).