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Topics

BMA Review

ENVIRONMENTAL AND CLIMATE CHANGE

Park concessions in Brazil: States take the lead

By Ana Cândida de Mello Carvalho, Beatriz Paulo de Frontin and Débora Signorelli Carvalho

The main challenge is drafting strong, clear concession contracts that make an appropriate allocation of risks and responsibilities between the parties and provide the legal certainty needed to attract private investment.

INFRASTRUCTURE AND REGULATORY & GOVERNMENT AFFAIRS

The impacts of the reform of the Administrative Improbability Law

By Plínio Simões Barbosa and José Guilherme Berman

The reform of Brazil's Administrative Improbability Law, in October 2021, is an opportunity to streamline the application of penalties on companies involved in illegal conduct involving the public administration. The changes have a direct impact on businesses that have contracts with the government.

TAX

A new position on assessment penalties in tax cases dealing with goodwill?

By Vivian Casanova and Carolina Carvalho de Andrade

The mere absence of a business purpose for a corporate transaction, without any allegation of illegality in the goodwill itself, does not constitute fraud for the purposes of the doubled assessment penalty.

Court-awarded attorneys' fees in the Labor Courts

By Cibelle Linero and Cristiana Fernandes Barros

At the end of October 2021, Brazil's constitutional court struck down provisions of the Consolidation of Labor Laws dealing with payment of expert witness fees and court-awarded attorneys' fees by unsuccessful claimants who are entitled to free access to the courts.

CORPORATE AND M&A

CVM Resolution 44 and the new presumptions on inside trading

By Fernanda Pereira Carneiro, Ana Luiza Guimarães Mendonça and Bruno Massena.

The main changes introduced by Resolution 44 involve presumptions on the use, access to, and knowledge of the importance of inside information, along with prohibitions against insider trading prior to the disclosure of financial information.

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