

2018  
**METS**

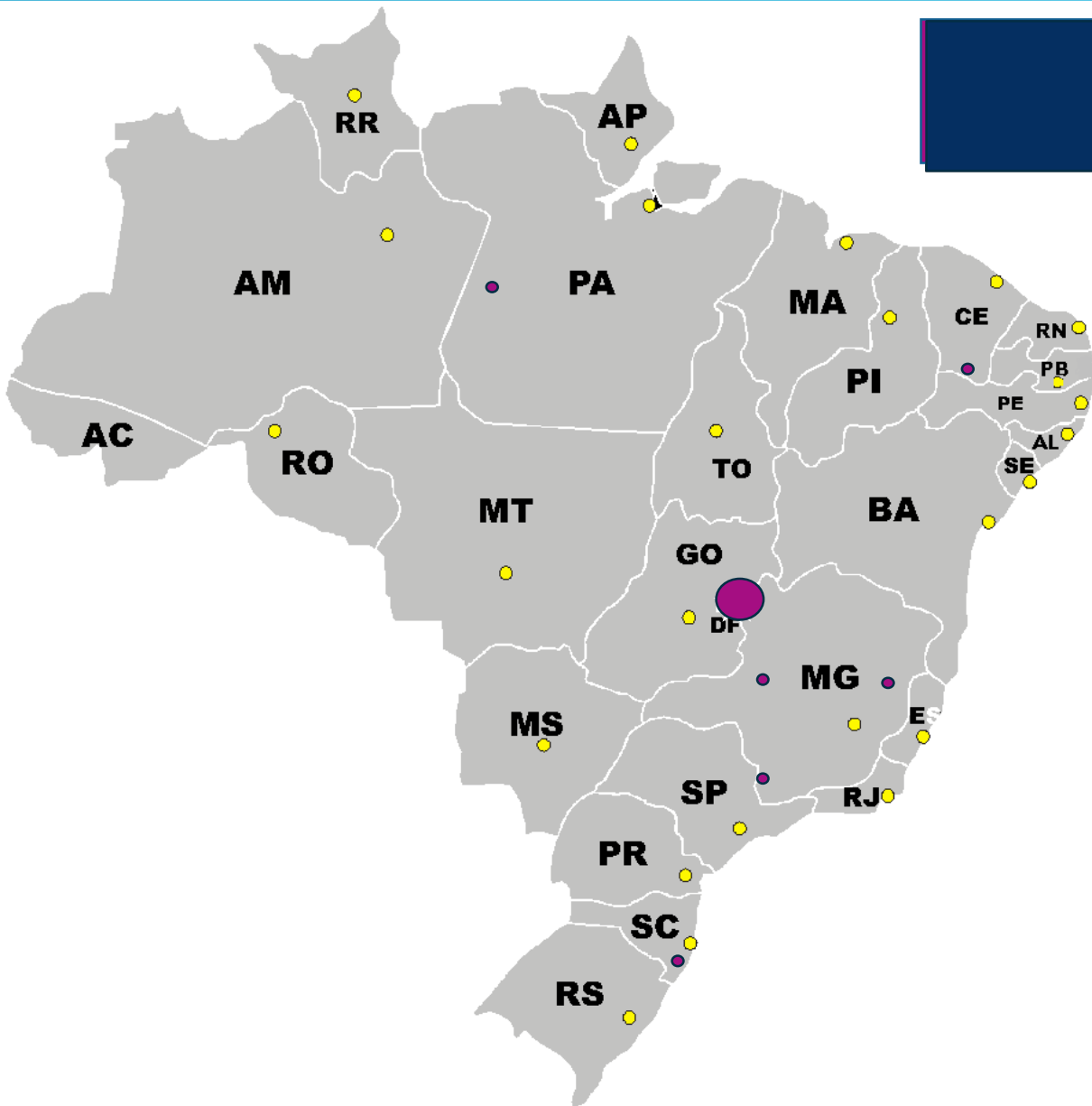


10 – 12 • 04 • 2018 — MADRID, SPAIN  
EU-LA Mining & Exploration Convention and Trade Show

# The New Mining Agency in Brazil - ANM (Law n ° 13575/2017) and the revitalization of the Mineral Sector

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Madrid, April 10, 2018

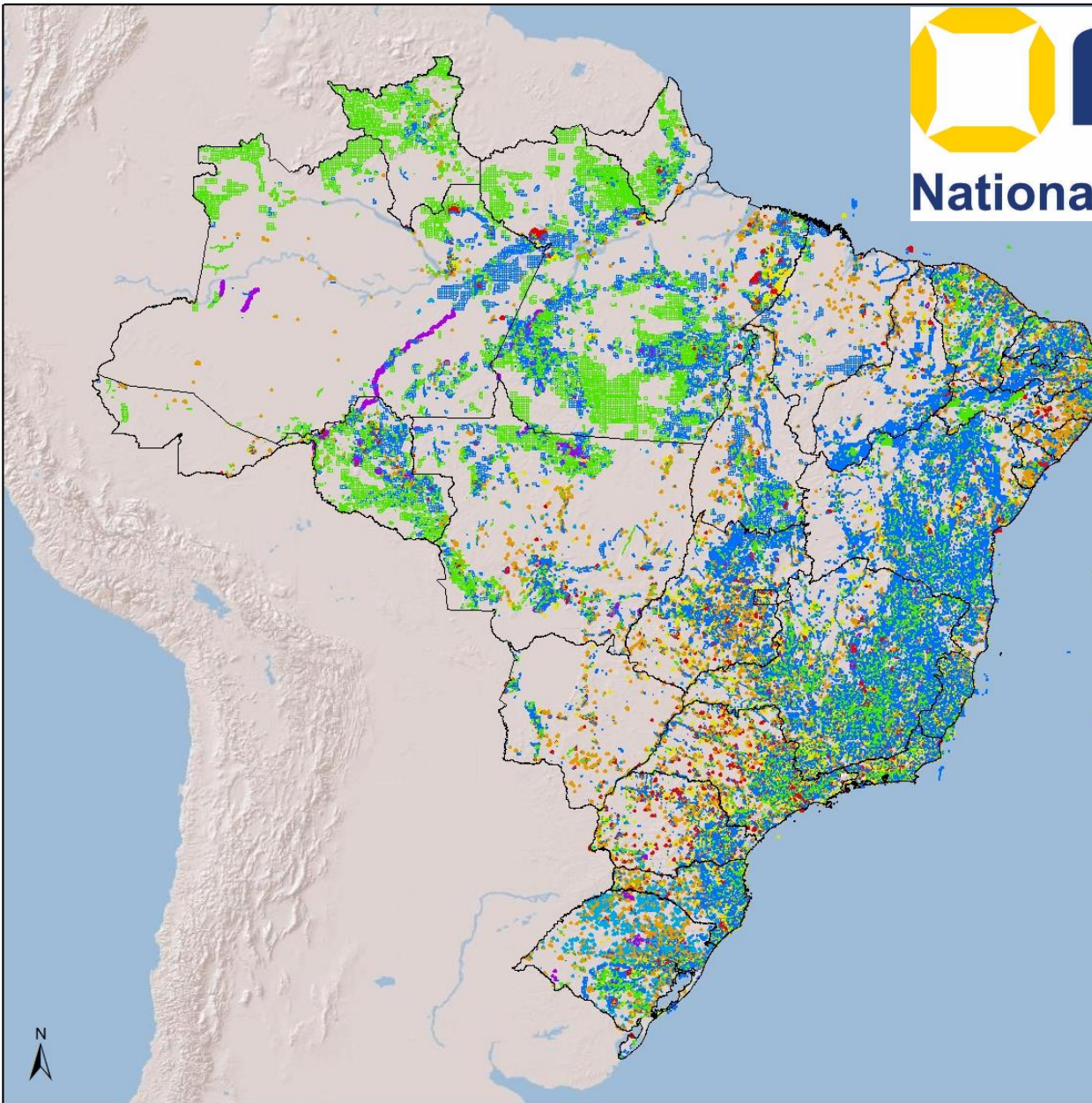
# Offices



- Headquarter (BSB)
- 25 Superintendences
- 6 Offices:

Poços de Caldas(MG); Gov. Valadares (MG); Patos de Minas (MG); Itaituba (PA); Criciúma (SC) and Crato (CE).

## Distribution of areas granted by the ANM



### Legenda

#### Processos Minerários - ANM

#### FASE

- REQUERIMENTO DE PESQUISA - 28448
- AUTORIZAÇÃO DE PESQUISA - 79554
- REQUERIMENTO DE LAVRA - 16922
- CONCESSÃO DE LAVRA - 10449
- LICENCIAMENTO - 15295
- LAVRA GARIMPEIRA - 2166
- REGISTRO DE EXTRAÇÃO - 1920

Coordenação de Geoprocessamento

Fonte: ANM- 28/02/2018  
World Shaded Relief (ESRI)  
Datum: SIRGAS 2000

# PROGRAM FOR THE REVITALIZATION OF THE BRAZILIAN MINERAL INDUSTRY, BASED ON:

- ✓ **Legal Stability**
- ✓ **Transparency in the Management of  
the Utilization of Mineral Resources**

## ✓ LEGAL STABILITY

- ✓ Decree n. 23,979 - March 8, 1934 - Creation of D.N.P.M
- ✓ Decree n. 24,642 of July 10, 1934 - MINE CODE "The deposit is very immobile and is considered as something distinct and not integral to the soil in which it is embedded".
- ✓ Decree-Law n. 1,985, March 29, 1940 - MINE CODE - (updates)
- ✓ Decree-Law n. 227, February 28, 1967 – MINING CODE (update the Mine Code)

# MINING CODE

## MOST RELEVANT UPDATES

- **Law n. 6,567**, of September 24, 1978 - specifically deals with employment substances in construction (aggregates ...);
- **Law n. 7.889**, of November 20, 1989 - Regulates article 43 of the ADCT of the 1988 FC;
- **Law n 7805**, of July 18, 1989 - Regulates the mining activity and establishes the compulsory environmental licensing for mineral extraction activities; and
- **Law N. 9,314**, of November 14, 1996 - Updates the Mining Code.

# TRANSPARENCY IN MANAGEMENT - ANM PROCEDURES

- ▶ **ANM will provide administrative procedures under resolutions:**
- ▶ Claims
- ▶ granting mining titles
- ▶ inspection of mining activity
- ▶ sanctions

# TRANSPARENCY IN MANAGEMENT - ANM PROCEDURES

- ▶ III - assumptions and criteria for the presentation of financial guarantees or the contracting of insurance to cover the risks of mining activities;
- ▶ **IV - hypotheses and criteria for conducting public consultation and public hearing for the normative rules of the agency.**



# TRANSPARENCY IN MANAGEMENT - REGULATORY IMPACT

- ▶ The adoption of proposals for amendments to normative rules of general interest of economic agents will be, according to the regulation, preceded by a **Regulatory Impact Analysis (RIA)**, which will contain information and data on the possible effects of the normative rule.
- ▶ Regulation will provide for the content and methodology of the regulatory impact analysis, the cases in which it will be mandatory to carry out and those in which it may be dispensed.

# TRANSPARENCY IN MANAGEMENT - REGULATORY IMPACT

- ▶ In cases where the regulatory impact analysis is not carried out, at least a technical note or equivalent document should be made available to support the proposal for a decision.

# TRANSPARENCY IN MANAGEMENT – MAIN TARGETS

- ▶ foster competition among economic agents, monitor and track market practices in the Brazilian mining sector and cooperate with antitrust authorities;
- ▶ regulate the application of resources of research, technological development and innovation, of the mineral sector - 1% of the collection of the royalties.

# TRANSPARENCY IN MANAGEMENT - MAIN TARGETS

- ▶ the federal, state, district and municipal agencies and entities shall make available the information necessary for the exercise of ANM's competence.
- ▶ to regulate the Brazilian system of certification of reserves and mineral resources, within a period of up to one year, counted from the publication of this Law;

# TRANSPARENCY IN MANAGEMENT - CONFLICTS

- ▶ ANM will provide the procedures to be adopted for the solution of conflicts between agents of the mining activity, with an emphasis on conciliation and mediation.
- ▶ The possibility of entering into a term of conduct adjustment in order to authorize the offender to promote the sale of the property seized, in which case the sale value should be fully reimbursed to ANM.

# TRANSPARENCY IN MANAGEMENT – COLLEGIATE BOARD

- ▶ **The ANM will be directed by Collegiate Board, composed of one Director General and four Directors.**
- ▶ The members of the Board of Executive Officers shall serve four-year terms, which are not coincident, and may be renewed only once.
- ▶ The members of the Collegiate Board of Directors are prevented from carrying on any activity or providing any service in the sector regulated by the ANM for a period of six months from the date of termination of their mandates

# TRANSPARENCY IN MANAGEMENT – COLLEGIATE BOARD

- ▶ The Collegiate Board shall deliberate by an absolute majority of its members, and the Director General, in addition to the ordinary vote, shall have the casting vote.
- ▶ **It is forbidden to indicate to the Collegiate Board:**
- ▶ Minister of State, Secretary of State, Municipal Secretary, statutory officer of a political party and holder of a mandate in the Legislative Branch of any federative entity, even though they are licensed from office;
- ▶ of a person who has a direct or indirect participation in a company or entity that operates in the sector subject to regulation by ANM.



**THANK YOU**  
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