

National climate policies in Brazil: commitments and competences

Ribeiro, G. M., IEE-USP, Phone +55 11 991250-2299, E-mail: gustavo.melo.ribeiro@usp.br

Simões, A. F., IEE-USP, E-mail: afsimoes@usp.br

Costa, H. K. M., IEE-USP, Phone +55 11 96373-2483, E-mail: hirdan@usp.br

Overview

In order to Brazil comply with its greenhouse gases (GHG) reduction targets, established by the Nationally Determined Commitments (NDCs) from the Paris Agreement, it is necessary to implement a climate mitigation policy at Local Governments considering the economic sectors in which these energy intensive activities are inserted, the mitigation costs arising from low carbon alternatives and practices, and the barriers and incentives needed to make feasible the mitigation strategies.

Therefore, it is critical for an effective policy design, a clear and broad understanding of the different competences that the federal Brazilian entities possess. The purpose of the present paper is evaluating the competences for the main national climate policies already in place and indicate how subnational governments should act aligned with the federal legislation, considering its roles, specially for the energy sector that lies under Federal competence making difficult to subnational governments to contribute with global efforts towards climate change.

Methods

The methodology used is Interdisciplinary research with the use of theoretical references and primary and, eventually, secondary sources of bibliography. A review of the climatic regulations is carried out, at the federal level, followed by the classification of the competences related to the energy sector according to the attribution foreseen by the Brazilian Constitution, promulgated in 1988, and main complementary regulations. Thus, it is briefly present the bases of the Brazilian constitutional law that establishes the Brazilian federal entities competences, composed of four different legal entities endowed with autonomy, namely the Union, the States, the Municipalities and the Federal District, being this autonomy manifested by the respective own government bodies and for the possession of specific competences established by the Brazilian constitution and complementary regulation.

Once the national regulatory overview is provided, we will use Constitutional Rule to identify the Union's competences relevant to the different sectors and economic activities listed by climate policies. In order to bring this topic to the climate change narrative and methods, we will classify the relevant national competences according to the International Panel on Climate Change (IPCC) and the most recent Brazilian National Communication (3rd Brazilian GHG Inventory, published in 2016).

Results

As an immediate result, the present paper identifies carbon intensive activities that falls under the administrative and legislative attributions of Brazilian union, bringing light to the roles of subnational governments in the implementation of the Brazilian commitments signed in the Paris Agreement established by its National Determined Contribution (NDC). Some relevant economic activities are not clearly defined by the constitution and requires the consultation of supplementary regulation, such is the case of the transport sector which is the largest emitting source of GHG in Municipalities and States, and represents 46% of GHG emissions of Brazilian energy sector.

Conclusions

The article's results serve as an orientation for policy makers that are working on subnational climate action, which are being intensively discussed after the Paris Agreement. As main result, the paper presents the national legal framework for climate change for the energy sector helping both the public and private sector increase its

understanding of roles and responsibilities of different governmental levels, helping economic agents become more effective in terms of combating climate change and designing climate mitigation and adaptation policies.

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