

CONAMA Approves Motion Calling for National Rules on the Environmental Licensing of Data Centers.

Brazil's National Environmental Council (CONAMA) has approved **Motion No. 147/2026**, expressing concern over the rapid expansion of artificial intelligence (AI) data centers in Brazil and calling for the urgent development of national guidelines for the environmental licensing of these facilities.

Although the motion **has no binding legal effect**, it represents CONAMA's institutional and political position and calls on the Council to develop specific regulations for the sector. The document argues that the expansion of data centers should be accompanied by environmental, social, and climate safeguards, given their significant electricity and water consumption, the generation of electronic waste, and their potential impacts on water resources, power systems, and local communities.

Key Proposals.

The motion recommends that AI data centers be classified as an activity that is effectively or potentially polluting and calls for the adoption of specific environmental licensing requirements, including:

- Requiring environmental impact assessments proportionate to the size and potential impacts of each project;
- Establishing minimum standards for energy and water efficiency;
- Conducting cumulative assessments of impacts on electricity and water systems;
- Expanding public participation throughout the environmental licensing process;
- Respecting the right to free, prior, and informed consultation with Indigenous Peoples and traditional communities;
- Restricting projects in water-stressed regions or near environmentally sensitive areas.

In addition, CONAMA recommends that, until such guidelines are established, **environmental authorities refrain from using simplified, self-declaratory, or corrective licensing procedures**, adopting instead a more precautionary approach when reviewing new projects, including the possibility of revising or suspending ongoing licensing proceedings.

Impact on the Data Center Industry.

Although the motion does not immediately change Brazil's environmental licensing framework, it signals a **significant shift in the regulatory landscape** for digital infrastructure projects.

The main potential implications include:

- **Greater environmental scrutiny** of new data center projects, particularly those supporting artificial intelligence applications.
- **The possibility of stricter environmental licensing requirements**, including broader impact assessments covering electricity consumption, water use, and greenhouse gas emissions.
- **Higher regulatory risk** for projects located in water-stressed or environmentally sensitive regions.
- **The potential conditioning of public incentives** on compliance with sustainability and energy-efficiency requirements.
- **Longer development timelines and higher implementation costs** if CONAMA's recommendations are eventually incorporated into binding regulations.

Strategic Significance.

The motion comes at a time when the federal government is seeking to attract investment in digital infrastructure through initiatives such as ReData (Special Tax Regime for Data Centers). It underscores that environmental policy is becoming an increasingly important component of Brazil's digital infrastructure agenda, alongside competitiveness and investment attraction.

Although the motion is not legally binding, it may serve as the basis for future CONAMA resolutions and influence how environmental authorities assess data center projects. As such, it provides an important indication of the direction Brazil's environmental policy for the sector may take in the coming years.

Erich Decat

Director of Institutional Relations

TechReg Consulting