



**Doria, Jacobina e Gondinho**  
ADVOGADOS

**ENVIRONMENTAL  
NEWSLETTER**

**MAY, 2015**

**FEDERAL GOVERNMENT SIGNS A LAW FOR TELECOMMUNICATION ANTENNAS INSTALATION  
AND LICENSING**

On April 22th, Brazilian Government enacted the Federal Law No. 13,116/2015, also known as “Antenna Law”, which establishes general rules for the licensing, installation and sharing of telecommunication infrastructure.

The main objectives of this Law are to standardize and simplify the procedure and criteria for granting permits to install telecommunication network infrastructure, speeding up the licensing procedure and, consequently, attracting investments in the sector. This Law also aims to expand the installed capacity of telecommunications networks and to minimize urban, landscape and environmental impacts.

One of the greatest innovations brought by this Law is the rule which establishes a maximum period of 60 days, from the date of the application, for the issuance of the necessary permits for installing telecom support infrastructure in urban areas. It is noteworthy that, during the 60-day timeframe, the body responsible for analyzing the permit application may, only a single time, require clarifications, further information or changes to the original project. This rule is in line with another provision contained in the Law, which sets forth that the performance of States, Municipalities and the Federal District shall not compromise the conditions and deadlines imposed and contracted by the Federal Government regarding telecommunications services of collective interest.

The text also provides that all applicable permits for the installation of telecom support infrastructure in urban areas will be valid for at least 10 years, renewable for equal periods, and eliminates the need for permits or licenses for the installation of small size telecommunication infrastructures as well as of those with technical standards equivalent to an infrastructure previously licensed, according to the regulations of Brazilian telecom regulator ANATEL.

In cases where environmental licensing of the infrastructure is applicable, it shall take place in an integrated manner to the procedure for obtaining planning permission, pursuant to the procedure established by the Brazilian National Environmental Council (CONAMA).

**RIODEJANEIRO**

Rua da Assembléia, 98/13º andar  
Rio de Janeiro - RJ - Cep 20011-000  
Tel.: +55 21 3523-9090/Fax: +55 21 3523-9080

**SÃO PAULO**

Rua do Rócio, 423/16º andar  
São Paulo - SP - Cep 04552-000  
Tel.: +55 11 3044-6432/Fax: +55 11 3044-4912



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The Federal Law No. 13,116/2015 also sets forth that the Federal Government has exclusive competence to regulate and supervise technical aspects of telecommunication networks and services, prohibiting the States, Municipalities and Federal District to impose constraints that may affect the selection of technology, the topology of networks and the quality of the services provided. The laws of the latter federal entities apply in a supplementary manner.

The telecom sector celebrates the approval of the Antennas Law, which allows, by simplifying the licensing procedure for telecommunications infrastructures and facilities, that the investments in the network expansion may be compatible with the socioeconomic development of the country.

Maria Alice Doria

Partner

[madoria@djga.com.br](mailto:madoria@djga.com.br)

## RIODEJANEIRO

Rua da Assembléia, 98/13º andar  
Rio de Janeiro - RJ - Cep 20011-000  
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