DEMAREST

WHITE PAPER

National Policy on Critical and Strategic Minerals (PNMCE)

Policy instruments and mechanisms

Law No. 15,506/2026 • Decree No. 13,118/2026
Ordinance No. 1,043/2026 • Decree No. 13,146/2026

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01 · NORMATIVE FRAMEWORK

How the PNMCE was structured

Sep. 16, 2026

Published on the same day.

Law No. 15,506/2026

Establishes the National Policy on Critical and Strategic Minerals ("PNMCE") and creates the National Council for the Industrialization of Critical and Strategic Minerals ("CIMCE").

The President signed the bill into law without vetoes and without changes to the text approved by the Federal Senate.

Decree No. 13,118/2026

Regulates the structure and functioning of the CIMCE.

Ordinance No. 1,043/2026

It designated the representatives of the states and the Federal District, municipalities, the private sector and higher education institutions that will be part of the CIMCE.

Nov. 4, 2026

Decree No. 13,146/2026

It establishes economic, socio-environmental, and climatic criteria to define and update the list of critical and strategic minerals.

Nov. 4, 2026

1st CIMCE Plenary Meeting

It approved the official list of 27 critical and strategic minerals, distributed in three priority classes.

02 · OVERVIEW

PNMCE Map: from the legal framework to the mechanisms

Law No. 15,506/2026
establishes the PNMCE and creates the CIMCE

CIMCE

linked to the Presidency of the Republic • Plenary, Executive Committee, and Executive Secretariat

Decree No. 13,118/2026
Structure and operation

Ordinance No. 1,043/2026
Appointment of representatives

01 **Definition of minerals considered critical and strategic**

02 **Approval and qualification of projects for access to the instruments**

03 **Definition of projects considered to be priorities**

04 **Screening and ratification mechanism* (Executive Committee)**

01 Definition of minerals considered critical and strategic

27 minerals

in 3 priority classes.



List prepared based on Decree No. 13,146/2026.

It now delimits the scope of the instruments and mechanisms of the PNMCE.

*Note on translation. The law uses the Portuguese terms homologação and triagem to describe the regulatory mechanism applicable to certain acts involving critical and strategic minerals. We have translated triagem as "screening" and homologação as "ratification." The precise operational scope of both terms under the law remains undefined, as neither term has been given a technical-operational definition in the statutory text, and implementing regulations have not yet been issued.

02 Approval and qualification of projects for access to the instruments

FGAM	Mineral Activity Guarantee Fund
PFMCE	Federal Program for the Processing and Transformation of Critical and Strategic Minerals
CNPMCE	National Registry of Critical and Strategic Minerals Projects
CMBC	Low-Carbon Mineral Certificate
Mechanisms	Traceability - Record of all transactions and agents in the chain
Incentives	Fiscal, financial, and regulatory projects for projects considered a priority

03 Definition of projects considered to be priorities

Priority treatment
Regulatory and administrative prioritization

→

Governing Council
Forwarding of priority projects

→

Special environmental licensing
possible submission, under the terms of federal legislation

04 Screening and ratification mechanism* (Executive Committee)

SUBJECT OPERATIONS

- Changes in corporate control (direct and indirect)
- Access to strategic geological information / relevant participation / significant influence by foreign legal entities
- International supply contracts
- Transfer, assignment, or encumbrance of mining titles

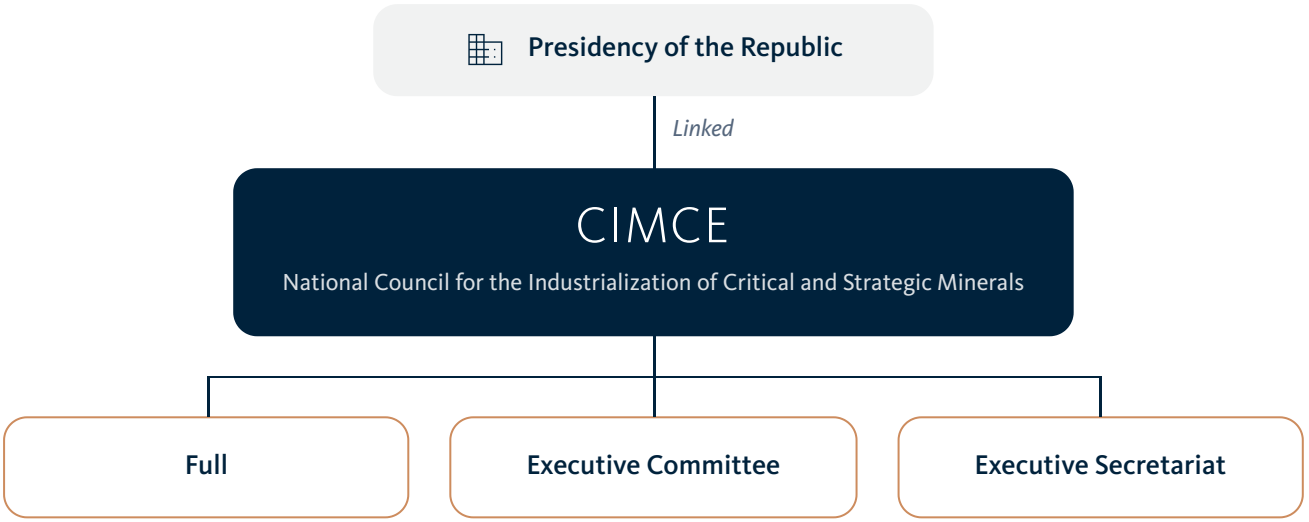
POSSIBLE DECISIONS

- Non-applicability
- Unconditional ratification
- Conditional ratification
- Non-ratification

⚠ **Point of attention:** the absence of objective parameters for the concepts that guide the screening and ratification mechanism remains the main point of attention of the new policy.

03 · GOVERNANCE

CIMCE: structure, competencies, and composition



Three instances – Decree No. 13,118/2026

The regulation also materialized the separation between the functions of policymaking and those related to decision-making in concrete cases – a guideline already provided for in the PNMCE itself.

Executive Committee: competence to deliberate on certain operations involving critical and strategic minerals (screening and ratification).

HIGHLIGHTED SKILLS

- Definition of minerals considered critical and strategic
- Approval and qualification of projects for access to the instruments provided for in the PNMCE
- Definition of projects considered to be priorities

COMPOSITION – ORDINANCE NO. 1,043/2026

Designated representatives:

- **States and Federal District**
- **Municipalities**
- **Private sector**
- **Higher education institutions**

04 · CONTROL MECHANISM

Screening and ratification: decision flow

SUBJECT OPERATIONS

- Changes in corporate control
- Access to geological information of strategic interest or the acquisition, by a foreign legal entity, of a relevant interest or significant influence in companies that hold mining rights
- Execution of certain international supply contracts, agreements, or partnerships that may affect the country's economic or geopolitical security
- Transfer, assignment, or encumbrance of mining titles

Instructions for the process
must include a statement from the Ministry of Mines and Energy

CIMCE Executive Committee
deliberates on the operation

Additional powers
- Adopt interim measures
- Initiate ex officio proceedings, if applicable

POSSIBLE DECISIONS

- **Non-applicability**
- **Unconditional ratification**
- **Conditional ratification**
- **Non-ratification**

Point of attention: the regulation did not establish objective parameters for various requirements and concepts, such as "relevant participation" or "significant influence", nor for the assessment of risk to the country's economic or geopolitical security, which maintains the need to monitor the additional regulation.

05 · DECREE NO. 13,146/2026

Framework: from substance to critical or strategic mineral

1 **Framework – requirements met cumulatively** — 2

Critical mineral

1 Need for the substance for key sectors of the national economy, considering its applications and the technical and economic feasibility of substitution.

2 Availability Insufficiency, instability, or vulnerability, due to factors such as deficiency of domestic production, dependence on imports, concentration of external supply, geopolitical risks, market restrictions, or technological bottlenecks.

3 Possibility of scarcity that represents a relevant risk to the economy, especially in the energy transition, food and nutrition security, and national security and sovereignty

Strategic mineral

1 Relevance for the country, due to significant reserves, considering the available geological knowledge and Brazil's position in global supply.

2 Essentiality for at least one of these purposes: trade surplus; technological development; regional development; or reduction of greenhouse gas emissions in the production chain.

The same substance may be classified simultaneously as critical and strategic, provided that the requirements of each legal definition are met.

Critical minerals – in the analysis of availability insufficiency, instability, or vulnerability, the following will also be considered:

(i) capacity to meet demand and diversification of sources (including recycling and use of tailings and waste rock);

(ii) limitations of water and other natural resources and socio-environmental impacts on territories and communities; and

(iii) exposure of production and transport to climatic events.

1

2 Priority Class Allocation – Five Criteria

- Geopolitical risk
- Concentration of supply
- Substitutability
- Brazilian position in the production chain
- Country dependence and vulnerability

Criteria are evaluated in an integrated manner and do not need to be met cumulatively.

Geopolitical risk: exposure to conflicts, sanctions, trade restrictions, export controls, and logistical difficulties.

Concentration of supply: geographical concentration of production, processing, or transformation, including refining.

Substitutability: availability and feasibility of alternative materials or technologies.

Brazilian position in the production chain: participation and autonomy of the country in the stages of production, processing, transformation, and industrialization.

Country dependence and vulnerability: degree of external dependence and intensity and time horizon of its effects on the economy, energy transition, food and nutrition security, industrial and technological development, and national security and sovereignty.

06 · CIMCE'S OFFICIAL LIST – NOV. 5, 2026

27 critical and strategic minerals in three classes



CLASS	DEFINITION (DECREE NO. 13,146/2026)	SUBSTANCES
Class 1 High priority **9 substances**	Substances that require priority action by the Federal Union, due to their high relevance to national interests and the intensity of the risks or strategic opportunities identified	Rare earths, Graphite, Lithium, Nickel, Cobalt, Copper, Manganese, Silicon, Uranium
PRELIMINARY INDICATION*	*It would receive top priority for development, subject to the screening of corporate control and supply contracts**	
Class 2 Medium Priority **8 substances**	Substances whose relevance justifies development measures, vulnerability reduction, or strengthening of production chains	Tungsten, Chrome, Vanadium, Tantalum, Titanium, Phosphate, Potassium, Sulfur
PRELIMINARY INDICATION*	*Intermediate priority of development, subject to the screening of corporate control and supply contracts**	
Class 3 Low priority **10 substances**	Substances whose relevance warrants strategic monitoring and periodic re-evaluation	Niobium, Tin, Iron, Zinc, Gold, Magnesium, Molybdenum, Thorium, Aluminum, Platinum Group
PRELIMINARY INDICATION*	*Low development priority, subject only to corporate control screening**	

* Preliminary indications made during the CIMCE meeting: have not yet been formalized and may be changed in the regulation. According to the decree itself, the PNMCE instruments may be directed by mineral class or substance. The other scenarios subject to the screening and ratification procedure, such as access to geological information of strategic interest and the transfer, assignment, or encumbrance of mining titles were not mentioned.

07 · DYNAMICS AND MONITORING

Review of the list and pending aspects

LIST REVIEW

Quadrennial review

aligned with the Multi-Year Plan, a budget planning instrument of the federal government with a four-year term.

Extraordinary revaluation

admitted by CIMCE.

Effects analysis

any proposal to change the list or class assigned to a substance must evaluate its effects on the screening and ratification mechanism, the CNPMCE, and the other instruments of the PNMCE, including ongoing operations and projects, with indication, when necessary, of transition rules.

POINTS THAT REMAIN UNDER DISCUSSION

The absence of objective parameters for the concepts that guide the screening and ratification mechanism remains the main point of attention of the new policy for corporate transactions and investments involving critical and strategic minerals.

The approval of the list brings more details to the applicability and access to the instruments of Law No. 15,506/2026; however, many procedural rules for the application of the instruments themselves still depend on regulation.

The instruments to encourage value addition within Brazil (art. 8), such as commitments linked to exports and prioritization of projects that internalize stages of the chain, also depend on regulation.

REFERENCES

Law No. 15,506, of September 16, 2026

Decree No. 13,118, of September 16, 2026

Ordinance No. 1,043, of September 16, 2026

Demarest client alert on the PNMCE

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Demarest's **Mining** team remains available to analyze the impacts of the new legislation and assist companies in the mining sector in assessing regulatory risks and opportunities.