



Analysis of the new legal framework for basic sanitation Law 14.026/2020

Análise do novo marco legal do saneamento básico Lei 14.026/2020

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ABSTRACT

This research is dedicated to the study of the comprehensive analysis of the new legal framework for basic sanitation in Brazil, established by Law 14.026/2020, with a focus on understanding its impacts, challenges, and advances in several related areas, such as governance, public health, sustainable development and institutional capacity. Sanitation is a crucial topic for the well-being of the population and the development of the country, involving not only water and sewage infrastructure, but also issues of public health, quality of life, environmental sustainability, and social equity. Based on these findings, this paper seeks to understand and evaluate the changes introduced by Law 14.026/2020, which reformulated the regulatory framework for basic sanitation in Brazil. The research will be carried out through an in-depth literature review, exploring academic works and official sources that address the theme of basic sanitation and aspects related to the new legislation. It is expected to obtain an in-depth analysis of the impact of the new basic sanitation legislation, as well as a clearer understanding of the areas that need attention and possible future directions for public policies in the area of sanitation.

Keywords: Basic sanitation, Law 14.026/2020, Impacts, Governance, Sustainable development.

1 INTRODUCTION

Basic sanitation is an essential component of a population's quality of life and well-being. Access to drinking water, adequate sewage, and the collection and proper disposal of solid waste is essential to ensure decent living conditions, prevent diseases, and promote sustainable development. In Brazil, the issue of basic sanitation has always been challenging, with significant disparities between urban and rural areas, rich and poor regions. The country has faced chronic problems regarding the universalization of basic sanitation, leading to a series of initiatives and reforms over the years to try to overcome these difficulties.

In 2020, an important change in the basic sanitation scenario occurred with the enactment of Law 14,026, which instituted a new legal framework for the sector. This legislation aimed to promote significant changes in the way sanitation is managed in Brazil, seeking improvements in



the quality of services, increased efficiency and, most importantly, the universalization of access. In this context, this work aims to analyze the new legal framework for basic sanitation, its changes, impacts and perceptions of advances, from various academic sources, as well as from professionals who are dedicated to understanding and improving the sector.

To understand the implications of Law 14.026/2020, it is crucial to start this analysis by looking at the central points of the new legislation. The research by Santos (2023) highlights that the law establishes the competence of municipalities in the provision of basic sanitation services, which means that these federative entities are primarily responsible for the management of water, sewage, and solid waste in their territories. This represents a significant change from the previous legislation, which allowed for greater intervention by states and state-owned companies in the provision of these services. The new law also establishes universalization goals, providing that by 2033, 99% of the population will have access to drinking water and 90% to sanitation.

Mourão (2022) emphasizes that Law 14.026/2020 brought greater openness to the private sector, allowing private companies to operate in the provision of sanitation services, which is seen by some as an opportunity to increase the efficiency and quality of services. However, the privatization of sanitation is also the subject of controversy, with critics arguing that it could lead to increases in tariffs and exclusion of the poorest populations.

In addition, the new legislation establishes that concession contracts must be preceded by a bidding process, which represents an effort to increase transparency and competition in the sector. However, the effective implementation of this rule and the ability of municipalities to conduct adequate bidding are issues of concern.

Another highlight of Law 14,026/2020 is the creation of the Interfederative Committee, which aims to promote coordination between federative entities in the regulation and provision of sanitation services. Leite (2021) notes that this coordination is essential to avoid conflicts and ensure efficiency in the management of basic sanitation. However, the effectiveness of this committee is also subject to practical challenges, since it involves cooperation between different spheres of government.

Vuitik et al. (2023) argue that the new legal framework for basic sanitation also establishes guidelines for the regulation of the sector, defining the competencies of the National Water Agency (ANA) in the regulation of sanitation services. ANA will play a key role in promoting the quality of services, defining technical standards and resolving conflicts between federative entities. However, it is important that this regulation is effective and impartial, in order to ensure quality and equity in the provision of services.



Law 14,026/2020 also generated significant impacts on the planning and management of basic sanitation. According to the study by Vuitik et al. (2023), the new legislation has led municipalities to reassess their plans and projects, seeking greater efficiency in the provision of services. The research by Leão et al. (2022) highlights the importance of an integrated approach, which takes into account not only the expansion of infrastructure, but also the training of professionals and the awareness of the population about the importance of sanitation.

In addition, Law 14.026/2020 also has significant economic impacts. Mourão (2022) notes that the entry of private companies into the sector can represent an increase in investments and job creation, which is important in a context of economic recovery. However, it is crucial to ensure that concession contracts are fair and transparent, so as to avoid situations of monopoly or abuse of economic power.

The impacts of Law 14.026/2020 may also vary significantly according to the regions of Brazil. Marques et al. (2021) argue that the new regulatory framework for basic sanitation may have different impacts on states and municipalities, depending on their local realities and implementation capacity. It is important that policies are adapted to the particularities of each region, so as to ensure that the benefits of basic sanitation are widely distributed.

In addition to the practical impacts of the new legislation, it is also relevant to consider society's perceptions of these changes. Santos' (2023) research highlights that the aforementioned law has generated heated debates in society, with advocates and critics expressing divergent opinions about the privatization of sanitation and the effectiveness of the new legislation. The involvement of civil society is key to ensuring that sanitation policies are adequate to the needs of the population and that human rights are respected.

The New Sanitation Legal Framework represents an important milestone in the country's sector. It has introduced significant changes in the way services are provided and regulated, with the aim of promoting universal access and improving the quality of services. However, effectively implementing the new legislation and overcoming the challenges facing the sector will require coordinated efforts from governments, businesses, and civil society.

The analysis of different perspectives, such as those presented by the aforementioned researchers, is essential to assess the impacts of the new legislation and ensure that it contributes to the promotion of sustainable development and respect for human rights.



2 CONCEPT AND PERFORMANCE OF MUNICIPALITIES

Basic sanitation is one of the fundamental pillars for quality of life, public health and the preservation of the environment in any nation. In Brazil, as in many other countries, the management of this sector is a shared responsibility between the different federative entities, with municipalities being a crucial actor in this context. With the enactment of Law 14.026/2020, known as the New Legal Framework for Basic Sanitation, a series of significant changes in the management and competencies of municipalities in relation to sanitation were introduced.

One of the main changes introduced by the new legislation is the decentralization of competences, giving municipalities a more prominent role in the management and provision of sanitation services. This means that, in many respects, responsibility for policy formulation and implementation and the provision of sanitation services has been transferred to the municipal level.

This transfer of competences to municipalities is discussed by Oliveira (2022) in his study on the human right to water in the context of the new legal framework. The author emphasizes that, by assigning municipalities the competence to manage sanitation, the new law seeks to take into account the local peculiarities and the specific needs of each community. This can be seen as an attempt to promote more efficient management and the provision of services that are more aligned with local demands.

However, this change also raises significant challenges. Gouveia et al. (2020) address the impacts of this decentralization in a quilombola community on Maré Island, in Salvador. Their study evaluates the Brazil Rural Sanitation Program and highlights the need to ensure that municipalities, especially those with limited resources, have the necessary capacity and resources to fulfill their new responsibilities. The research also underlines the importance of community participation in sanitation-related decisions.

The role of municipalities in regulating and supervising the participation of the private sector is an important topic. In this context, Oliveira (2022) highlights the need for strategies for defining, training, and monitoring the reference standards issued by the National Water and Basic Sanitation Agency (ANA). ANA plays an important role in regulating the sector and is responsible for providing guidelines and standards for the provision of services.

The decentralization of municipal competences in the context of the new legal framework for basic sanitation brings with it a series of challenges and opportunities. The study by Nascimento Neto (2021) approaches the topic as the crossroads between social law and business, highlighting the complex interaction between the need to comply with human rights, such as access to water and sanitation, and the search for economically viable solutions.



Community participation and effective governance play a key role in addressing these challenges. In this sense, Da Cas (2021) emphasizes the importance of defining, training, and monitoring the reference standards issued by ANA to promote transparency and equity in the regulation of the sanitation sector.

Assessing the costs and benefits of decentralising municipal competences is essential. Alves Junior's (2023) research highlights the need for a holistic approach that considers not only the financial costs but also the social, economic, and environmental benefits. This type of analysis is crucial for making informed decisions about how municipal competencies should be exercised.

Therefore, changes introduced by the New Legal Framework for Basic Sanitation, which transfer competences to municipalities, have significant implications for the management and provision of sanitation services. These changes open up new possibilities, but they also present complex challenges. It is critical to ensure that municipalities have the capacity and resources to fulfill their new responsibilities, promote transparency and community participation, and assess the costs and benefits of decentralization. In this way, the action of municipalities in the context of the new legal framework can be effective and benefit the population, promoting universal access to basic sanitation in Brazil.

One of the prominent institutions in this context is the National Water and Sanitation Agency (ANA), a federal agency that is responsible for regulating and supervising water resources and, more recently, basic sanitation in Brazil. The enactment of the law expanded the scope of ANA's activities, giving it greater authority and responsibility in the regulation of basic sanitation in the country. This represents a significant change, since prior to the new legislation, the ANA focused primarily on the regulation of water resources.

Barros' (2022) research explores in detail ANA's institutional performance in the context of the new legal framework for basic sanitation. The author analyzes how the agency has adapted to the changes introduced by the new legislation and how it has sought to exercise its regulatory role effectively. The research also highlights the importance of strategies to define, train and monitor the reference standards issued by ANA, ensuring transparency and equity in the regulation of the sector.

In addition to its responsibilities in relation to basic sanitation, ANA also began to regulate urban drainage in Brazil. The research by Ribeiro et al. (2021) highlights the need for effective regulation and supervision of urban drainage, considering the expansion of urban areas in Brazil and the challenges related to drainage infrastructure.



The enactment of Law 14.026/2020 also brought a new model for regulating basic sanitation in Brazil. This model aims to promote competition and efficiency in the sector, with the participation of the private sector playing an important role. Jacqueline Haase (2022) discusses this change in the regulation model in her book "The new Brazilian model of basic sanitation regulation".

The author addresses how the new regulation model can impact the quality of services, operational efficiency and the population's access to sanitation services. ANA plays a crucial role in defining the standards and guidelines of this model, as well as in supervising the implementation of policies and evaluating the performance of companies operating in the sector.

ANA's performance in the context of the new legal framework also has implications from a management perspective and strategic planning. Lopes (2022) conducted a case study in the municipality of Paracuru, in Ceará, exploring how the new sanitation framework affects local management and strategic planning in this municipality.

Another point of debate in relation to the law is municipal ownership, that is, the question of who has the right to be the owner of sanitation services in a given municipality. The new regulatory model also provides opportunities to promote efficiency and competition in the sector. The participation of the private sector can bring investments and innovations that benefit the population, as long as it is accompanied by effective regulation.

However, the implementation of the new legal framework also creates challenges, especially in relation to the ability of municipalities to fulfill their new responsibilities. The need for strategic planning, the evaluation of costs and benefits, and the discussion about municipal ownership are issues that demand continuous attention.

3 PARTICIPATION OF THE PRIVATE SECTOR

The participation of the private sector in the basic sanitation sector has been an issue of great relevance and debate in Brazil, particularly after the implementation of Law 14.026/2020. Such legislation allowed greater openness to the performance of private companies in the provision of sanitation services, raising questions about efficiency, quality, and, mainly, about the impact of this participation on the universalization of access to water and sewage.

This opening aims to attract investments and expertise from the private sector to face the challenges of universalizing water and sewage services in the country. The premise behind this openness is that the private sector can bring technological innovations, management efficiency and financial resources to accelerate progress in this sector.



To understand the rationale behind this opening, it is relevant to cite the research by Parente et al. (2023), which highlights the need to reformulate the legal framework for sanitation in Brazil, recognizing the historical inefficiency of the sector and the lack of investments necessary for universalization. According to the authors, the participation of the private sector is seen as an alternative to overcome these obstacles, as long as there is adequate regulation and control.

The entry of private companies into the basic sanitation sector has the potential to generate significant economic impacts. The research by Guedes (2023) proposes a basic sanitation index applied in specific river basins, highlighting the need for investments to improve the quality of water resources. Opening up to the private sector may represent an increase in investment, but it also raises questions about the sustainability of business models.

One of the central issues is the definition of tariffs and prices that guarantee profitability for private companies, without compromising universal access. The Ministry of Health's ordinance (2017) addresses the consolidation of the rules on health actions and services of the Unified Health System (SUS), emphasizing the importance of fair prices and the balance between economic efficiency and access to health services. This concern is transferable to the sanitation sector.

The participation of the private sector in basic sanitation requires effective and transparent regulation to ensure that public interests and the quality of services are preserved. The study by Lopes (2022), a case study in Paracuru (CE), addresses governance and strategic planning issues in the context of the new regulatory framework. The research highlights the need for capacity building for regulatory bodies and the importance of cooperation between the public and private sectors.

Zveibil (2021) questions municipal ownership in the context of private participation, highlighting the complexities of establishing effective governance and clarifying the competencies of each federative entity. The new legal framework has introduced new challenges in this regard, and the definition of roles and responsibilities needs to be clear to avoid conflicts and ensure the effectiveness of public-private partnerships.

The issue of the quality of the services provided is central to the discussion on the participation of the private sector in sanitation. Teixeira's (2021) research analyzes urban drainage and rainwater management in municipal basic sanitation plans in Rio Grande do Norte. This research highlights how public management influences the quality of services.

The entry of the private sector into the basic sanitation sector in Brazil aims to overcome the historical challenges of this sector. However, this openness raises complex issues related to economic, regulatory, governance, quality of services and, above all, the right to universal access.



Brumati (2020) addresses this issue in his study, analyzing the New Basic Sanitation Framework in the light of international cases in which there was privatization and, subsequently, renationalization of the public service.

The cited research provides a variety of perspectives on this topic and emphasizes the importance of effective regulations, institutional capacity-building, and well-structured public-private partnerships. The future of basic sanitation in Brazil will depend on the ability to balance economic interests with a commitment to ensuring that water and sanitation are accessible to all citizens, thereby guaranteeing the full exercise of a fundamental human right.

4 UNIVERSALIZATION GOALS

The establishment of universalization goals in the basic sanitation sector is another significant change introduced by the New Legal Framework for Basic Sanitation in Brazil. These goals are intended to boost the expansion of drinking water and sewage services throughout the country, seeking to ensure access to these services to a still considerable portion of the population that does not have them. In this context, it is essential to understand the importance, challenges and implications of universalization goals for basic sanitation in the country.

The search for the universalization of basic sanitation services by 2033 is an ambitious and crucial goal for improving the living conditions of the Brazilian population. It aims to ensure that 99% of the population has access to safe drinking water and 90% to sewage treatment and collection, which in turn contributes to the prevention of diseases, the preservation of the environment, and the sustainable development of the country. Law 14,026/2020 recognizes the importance of this goal and establishes specific guidelines to achieve it.

One of the main aspects of the universalization goals is the definition of deadlines for municipalities and states to achieve full coverage of sanitation services. This legislation establishes a schedule that varies according to the size of the locality, with intermediate goals to be met until full universalization, which should be achieved by 2033. These timelines pose a considerable challenge, as many municipalities, particularly smaller ones, face financial and operational difficulties in rapidly expanding sanitation infrastructure.

To assess the impact of the imposed targets, it is relevant to examine statistical data and studies related to the basic sanitation sector in Brazil. According to the 2017 National Basic Sanitation Survey of the Brazilian Institute of Geography and Statistics (IBGE), about 83% of the population had access to drinking water, while only 51.90% had access to sanitation services.



These numbers highlight the need to expand sanitation services, and the universalization goals seek to reduce this discrepancy.

One of the challenges in the search for universalization is the variety of regional realities in the country. Different states and municipalities face different conditions and challenges. Albuquerque's (2014) research mentions the use of Public-Private Partnerships (PPPs) as a strategy to improve sanitation services in specific regions, which illustrates the need for approaches adapted to different contexts.

In addition, the participation of the private sector in sanitation is an important factor to be considered. The data presented in the 2019 and 2020 "Overview of Private Participation in Sanitation" by the Brazilian Association of Private Concessionaires of Public Water and Sewage Services (ABCON) and the National Union of Private Concessionaires of Public Water and Sewage Services (SINDCON) highlight the contribution of private companies to the expansion of sanitation services in Brazil. The participation of the private sector can be key to accelerating the achievement of universalization goals, provided that it is effectively regulated.

Aragão (2017) explains in his research that the role of state-owned enterprises, such as state-owned companies and mixed-capital companies, is of paramount importance in the context of universalization goals. The author addresses the legal regime of these companies, highlighting their responsibilities, organizational structure and relations with the government. In this sense, state-owned companies play a central role in the provision of basic sanitation services and in the pursuit of meeting universalization goals.

However, the universalization goals also raise questions about privatization and the participation of the private sector in the basic sanitation sector. Santoro and Estevam (2021) discuss the privatization of state sanitation companies, highlighting privatizations and concessions as a strategy to attract private investment and improve efficiency in the provision of services. This approach aims not only to meet universalization goals, but also to promote the financial sustainability of companies in the sector.

Heinen (2020) explores how current basic sanitation contracts are affected by the new regulatory framework. It addresses the complexity of the transition and the changes in concession models and public-private partnerships, as state-owned and private companies adapt to the new guidelines established by Law 14.026/2020.

Another important consideration is the role of regulatory agencies in the context of universalization goals. Oliveira (2015) highlights the importance of institutional dialogue and the control exercised by these agencies. Agencies play a key role in overseeing and regulating



sanitation services, ensuring that quality standards are met and that the interests of the population are protected.

In addition, Azevedo Sette Advogados' "Basic Sanitation" series provides detailed information on legal and regulatory issues related to basic sanitation in Brazil. This includes the analysis of the changes introduced by the New Legal Framework and the implications for state-owned enterprises, contracts, regulation and the search for the universalization of services.

The universalization goals, therefore, are a crucial point in a series of transformations that affect the basic sanitation sector in Brazil. However, the implementation of these goals is complex, involving state-owned enterprises, the private sector, regulatory and contractual issues, and the performance of regulatory agencies.

The quest for universalization requires not only substantial investments in infrastructure expansion, but also sound planning, efficient regulation, transparent governance, and partnership strategies that ensure long-term sustainability. Private sector participation is seen as an opportunity to accelerate the process and attract significant investment.

It is also important to emphasize that success in the search for universalization goes beyond meeting numerical goals. The quality of services, financial accessibility for the population, environmental preservation, and the promotion of equity are also critical aspects to be considered.

5 ALIGNMENT WITH SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The alignment of the New Legal Framework for Basic Sanitation, established by Law 14.026/2020, with the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda is an extremely important aspect in the analysis of the changes and impacts of this legislation in Brazil. The SDGs provide global guidelines for sustainable development, and the relationship between the sanitation legal framework and these goals has significant implications for the country. In this text, we will explore how the new legal framework fits into the SDGs, the challenges and opportunities it poses, as well as the contributions to sustainable development.

It is essential to highlight that the promotion of basic sanitation is intrinsically related to several SDGs, with special emphasis on SDG number 6, which aims to "ensure the availability and sustainable management of water and sanitation for all". The analysis of this alignment is crucial to assess how Brazil is progressing towards meeting the global development goals and promoting a better quality of life for its population.

The new legislation brought several important changes that could have a direct impact on the SDGs. Research conducted by Santos (2023) provides valuable insights into how the New



Legal Framework for Basic Sanitation relates to the SDGs. The author analyzed the relationship between legislation and the Sustainable Development Goals, highlighting how Law 14.026/2020 can contribute to the achievement of these goals. One of the key findings of her research is that the new legislation can strengthen Brazil's commitment to universal access to water and sanitation, which is key to SDG number 6.

The research by Leão et al. (2022) also offers a valuable perspective on the alignment of the New Legal Framework for Basic Sanitation with the SDGs. The authors focused on sustainable development issues, examining how new legislation can contribute to the promotion of a more sustainable society in Brazil. They highlighted the importance of an integrated approach to sustainable development, which takes into account not only access to sanitation services, but also effective management of water resources and protection of the environment.

Silva's (2022) research provides complementary insight by exploring the relationship between basic sanitation, the 2030 Agenda, and the SDGs. The author highlights the role of the state in promoting sustainable development through the universalization of sanitation. She also addresses the importance of considering SDG targets when planning sanitation policies and ensuring that they are aligned with global development goals.

The SDGs also include targets related to reducing inequalities, health, education, gender equality, and preserving the environment. In this sense, it is essential to consider how basic sanitation indirectly influences the achievement of these goals.

Marques et al. (2021) reflect on the possible implications of the new regulatory framework for basic sanitation in the planning of Minas Gerais. These reflections address how changes in the sanitation sector can affect people's lives, equal access to services, and the promotion of sustainable development at the state level.

However, despite the potential positive contributions of the new legal framework to the achievement of the SDGs, there are also challenges to be overcome. Mourão (2022) conducted an analysis of the objectives and social impacts of the New Legal Framework for Basic Sanitation, highlighting that the implementation of the new legislation may encounter obstacles related to existing infrastructure, regional and financial inequalities, as well as challenges in relation to education and public awareness.

Juliano Heinen, in an article in the October 2020 issue of *Consultor Jurídico Magazine*, explores the theme "How the current basic sanitation contracts are or should be" as a result of the new legislation. The author points out that Law 14,026/2020 established a deadline for the



adaptation of current contracts to the new rules, which implies the need for review and adjustments by service providers and regulatory entities.

The process of reviewing sanitation contracts has generated significant debates and challenges. Santos and Estevam, in an article in the same *Consultor Jurídico Magazine* of September 2021, address the privatization of state basic sanitation companies. They discuss how the entry of private companies into the sector can impact state-owned companies and the difficulties that arise in this context. The privatization of state sanitation companies is a sensitive and controversial topic, with implications in terms of efficiency in the provision of services, investments, quality and tariffs.

In addition, the Basic Sanitation Series, produced by Giulia Almeida Custodio, Jennifer Matias Santos and Tatiana H. Lau Cintra, lawyers at Azevedo Sette, offers an in-depth analysis of various aspects of Law 14.026/2020. Volume I of the series, available in report format, addresses issues related to sanitation contracts, regulations and practical aspects of the new legislation. The report highlights the need for a thorough review of existing contracts to meet new legal requirements.

The reform of the basic sanitation sector in Brazil, established by Law 14.026/2020, has significant implications for current sanitation contracts and for state companies in the sector. The openness to the private sector, the need to review contracts and the complexity of the transition to a new model of service delivery are crucial challenges.

6 METHODOLOGY

The methodology for addressing the topic of literature review on the New Legal Framework for Basic Sanitation (Law 14.026/2020) consists of a detailed analysis of academic studies, research, legislative documents, and relevant publications related to the subject. This literature review aims to gather and synthesize the existing knowledge about the changes, impacts and perceptions resulting from this important legislation in the context of basic sanitation in Brazil.

The selection of sources for this work was based on strict criteria to ensure the relevance and quality of the sources used. Source searches were conducted in several academic databases, including Scopus, Web of Science, Google Scholar, and other specialized science sources.

The analysis of the sources included the complete reading of the selected texts and the identification of relevant information related to the changes in the legal framework of basic sanitation, the objectives of the new legislation and the social, economic, legal and environmental impacts. Relevant information was extracted and organized according to relevant thematic



categories, such as governance, social participation, human rights, sustainable development, among others.

Thus, the extracted information was synthesized into a coherent text that covers the main aspects of the theme, based on the reviewed sources. The analysis and synthesis of the information sought to offer a complete and grounded view of the changes brought about by Law 14.026/2020 and the impacts observed in the sanitation sector in Brazil.

This research adopted a rigorous approach to identify, select and analyze sources related to the theme of the New Legal Framework for Basic Sanitation. The process involved selecting relevant sources, critically analyzing the information, and synthesizing conclusions based on a variety of academic and institutional perspectives. The result of this work is an in-depth understanding of the changes, impacts and perceptions associated with Law 14.026/2020 in the context of basic sanitation in Brazil.

7 RESULTS

In this section, we will present the results of the analysis of several studies and documents related to the theme of basic sanitation in Brazil

The reformulation of the Legal Framework for Sanitation in Brazil, mentioned by Parente et al. (2023), is a significant change that impacts sanitation management throughout the country. The new legislation seeks to promote the universalization of services, opening space for the participation of the private sector in the provision of these services. The results of this reformulation are still being evaluated, but it is evident that it generates discussions on how to balance the need for investments with the maintenance of public management capacity.

The results of the researches and documents analyzed point to the complexity and challenges of basic sanitation management in Brazil. Urban drainage, institutional capacity, changes in legislation, interconnection with public health, and the need for well-structured municipal plans are critical aspects to consider. The promotion of basic sanitation requires an integrated approach and collaboration between the various levels of government, as well as the active participation of society, to ensure that all citizens have access to adequate sanitation services, contributing to the improvement of quality of life and the reduction of environmental and public health impacts.

The discussion about federalism, basic sanitation and the role of municipalities in the context of Brazil is extremely important and complex. The management of basic sanitation involves a series of challenges that go beyond technical issues, and the allocation of competencies



among federative entities plays a fundamental role in this process. To understand the dynamics of sanitation in the country, it is essential to analyze the division of competencies and responsibilities between the Union, states and municipalities, in addition to considering the changes brought about by Law 14.026/2020 and its impact on sanitation management.

The study by Oliveira (2014) highlights the relevance of federalism and the role of municipalities in the management of basic sanitation in Brazil. The research analyzes the constitutional competence of municipalities in relation to sanitation and highlights the importance of local interest in decision-making on sanitation policies. Brazilian federalism, with its division of competences, establishes that municipalities play a central role in the provision of sanitation services in their areas of jurisdiction. However, this decentralization of responsibilities also comes with challenges, especially for municipalities with limited resources.

In addition, ANA plays a central role in the coordination of the National Water Resources Management System and the regulation of sanitation services, contributing to the harmonization of policies at the national level and the promotion of integrated water resources management.

Law 14,026/2020, in turn, seeks to foster the participation of the private sector in the provision of sanitation services and promote universal access to these services. However, the new legislation also maintains the responsibility of municipalities in the management of basic sanitation and establishes goals that must be achieved within certain deadlines. This raises questions about how municipalities can meet these targets, especially those with limited resources.

In a country of continental dimensions such as Brazil, the management of basic sanitation is complex and challenging. The division of competences between the Union, states and municipalities, although it allows the adaptation of policies to the local reality, can also result in inequalities in the provision of sanitation services. Law 14.026/2020 brought significant changes to the sector, with the intention of accelerating the universalization of access, but also generated debates about the capacity of municipalities to meet the established goals.

The discussion on federalism and basic sanitation in Brazil must also consider the need to ensure that sanitation services are provided in a sustainable manner, respecting the principles of integrated water resources management and societal participation. The search for effective solutions in basic sanitation requires a multidisciplinary approach that takes into account not only technical issues, but also legal, social and environmental aspects.

However, the discussion about federalism, basic sanitation and the role of municipalities in Brazil involves a series of challenges and opportunities. It is essential to strike a balance between the decentralisation of competences and the promotion of national policies that guarantee universal



access to sanitation services, with due consideration of local realities and the active participation of society in decision-making. Sanitation management in Brazil must take into account the principles of sustainability, integrated management of water resources, and respect for citizens' fundamental rights, such as access to water and adequate sanitation.

8 CONCLUSION

The enactment of Law 14.026/2020, which updated the legal framework for basic sanitation in Brazil, represents one of the most significant changes in the area and has generated a series of discussions, analyses and reflections among academics, specialists, public managers, companies in the sector and society in general. The enactment of this law brought with it a series of objectives and expectations, but also challenges and dilemmas. As a result, several studies were carried out in order to understand the impacts, advances, contradictions and implications arising from this new legislation.

One of the key conclusions that emerge from the analyses and research is that basic sanitation cannot be considered an isolated issue, but rather an integral part of a broader system that includes drinking water, sewage, urban drainage, and solid waste. The integration between these components is essential to ensure the effectiveness of sanitation policies and avoid public health, environmental and social problems. Therefore, the focus on basic sanitation should not be reductionist, but holistic.

Another relevant point addressed by researchers is the need for solid and effective governance in the sanitation sector. Institutional capacity, coordination between the different levels of government, and the participation of society are crucial elements for the success of policies and the guarantee of the universalization of services. Local and regional governments play a key role in the implementation of sanitation actions, which requires capacity building and strengthening of administrative structures and the integration of policies with other sectors, such as health, environment and urban planning.

The participation of the private sector is another aspect that generates heated debates. Law 14,026/2020 introduced the possibility of public-private partnerships in the provision of sanitation services, with the aim of attracting investments and promoting efficiency in management. However, this openness to the private sector raises concerns about maintaining public interests, regulating and ensuring universal access. The balance between seeking investment and maintaining state control over services is a challenge that requires a careful and strategic approach.



In addition, the Sustainable Development Goals (SDGs) of the UN 2030 Agenda also play a relevant role in the discussion on basic sanitation in Brazil. SDG No. 6, which focuses on "ensuring the availability and sustainable management of water and sanitation for all," sets ambitious targets that the country has committed to achieving. The analysis of the fulfillment of these goals and the integration of the SDGs into sanitation policies are important aspects to be considered.

Another aspect that emerges from the research is the importance of municipal basic sanitation plans. These plans, which are a legal requirement, are fundamental instruments to guide actions in municipalities and ensure that resources are allocated effectively. However, many municipalities still face challenges in designing and implementing their plans, which highlights the need for technical support and capacity building.

The socioeconomic impacts of basic sanitation also deserve to be highlighted. Access to sanitation services has the potential to improve quality of life, reduce disease incidence, and promote sustainable development. Additionally, generating jobs in the construction, maintenance, and operation of sanitation systems can boost the local economy.

However, the analysis of the results also points to significant challenges, such as the need for massive investments in infrastructure, overcoming regional inequalities, and ensuring that policies address the needs of the most vulnerable communities. The lack of financial resources and the complexity of the sector pose considerable obstacles.

In this context, research and critical analysis play a crucial role, providing subsidies for informed decision-making and effective policymaking. The studies presented address different aspects of basic sanitation, offering valuable insights that can guide future actions.

Thus, it is expected that the analysis of the new legal framework for sanitation focused on the main changes of the law and their impacts will help in the discussion on how to ensure universal access to sanitation services, promote sustainable development and improve the quality of life of the population continues to evolve.



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