

Law No. 9.605 of February 1998

Regulates Criminal and Administrative Penalties Relating to Behavior and Activities Harmful to the Environment, and Sets Forth Other Provisions.

The President of the Republic:

I hereby report that the National Congress decrees and I approve the following Law:

Chapter I

General Provisions

Art. 1. (Vetoed)

Art. 2. Any party that in any way participates in the practice of the crimes covered under this Law shall incur the penalties corresponding thereto, to the extent of such party's liability, as shall directors, administrators, members of boards and technical bodies, auditors, managers, agents or representatives of legal entities who, while aware of the criminal behavior of another party, fail to prevent its practice, when action could have been taken to prevent it.

Art. 3. Legal entities shall retain administrative, civil and criminal liability pursuant to this Law, in cases where the violation is committed at the behest of their legal or contractual representative or of their collegiate body, in the interest or to the benefit of their entity.

Sole Paragraph. The liability of legal entities shall not exclude that of individuals who are participants or co-participants in the same act.

Art. 4. Legal entities may be exempted whensoever their capacity is an obstacle to reimbursement for harm caused to the quality of the environment.

Art. 5. (Vetoed)

Chapter II

Application of the Penalty

Art. 6. For purposes of applying and setting the level of the penalty, the authority with jurisdiction shall note the following:

I -- the seriousness of the event, taking into

consideration the reasons for the violation and its consequences to public health and to the environment;

II -- the history of the violator with respect to compliance with environmental law;

III -- the violator's economic situation, in the case of a fine.

Art. 7. Restriction of rights shall be independent and substitute for deprivation of freedom when:

I -- the case involves a crime of negligence or the deprivation of freedom is applied for less than four years;

II -- the level of guilt, the history, the social behavior and the capacity of the guilty party, as well as the reasons and circumstances of the crime, indicate that the substitution will be sufficient for purposes of punishing and preventing the crime.

Sole Paragraph. The restrictions of rights to which this article refers shall have the same duration as the substituted deprivation of freedom.

Art. 8. Restrictions on rights shall include the following:

I -- rendering of community service;

II -- temporary suspension of rights;

III -- partial or total suspension of activities;

IV -- monetary payment;

V -- house confinement.

Art. 9. Rendering community service shall consist of sentencing the guilty party to perform free tasks at public parks, gardens and conservation units, and for cases of damage to private, public or fallen items, to the restoration thereof, if possible.

Art. 10. Temporary suspension of rights shall consist of prohibiting the guilty party from contracting with the Public Authorities, receiving tax incentives or any other benefits, or participating in bids, for a period of five years for cases of crimes involving fraud, and three years for crimes of negligence.

Art. 11. A suspension of activities shall be applied when such activities are not consistent with the legal requirements.

Art. 12. Monetary payments shall consist of the payment of money to the victim or to public or private entities with social objectives, in an amount to be set by the judge, to be no less than one daily minimum wage nor greater than three hundred sixty daily minimum wages. The sum paid shall be deducted from the value of any civil reparations to which the violator may be sentenced.

Art. 13. House confinement shall be based on self-discipline and acknowledgement of liability by the guilty party, who must, without supervision, work, attend classes or engage in authorized activities, and remain at home during days and periods of rest, or at any location corresponding to his normal residence, as set forth in the court sentencing.

Art. 14. The following are circumstances which may attenuate the penalty:

I -- low level of education or training on the part of the agent;

II -- repentance by the violator, as demonstrated through the spontaneous reparation of damages, or significant restriction of the environmental damage caused;

III -- prior communication by the agent of the imminent danger of the environmental damage;

IV -- cooperation with entities responsible for environmental monitoring and control.

Art. 15. The following are circumstances that may aggravate the penalty, when they do not constitute or qualify as a crime:

I -- repeated commission of crimes of an environmental nature;

II -- the agent's having committed the violation:

a) for monetary gain;

b) in cooperation with another party during material execution of the violation;

c) while seriously affecting or exposing the public

health or the environment to danger;

d) while contributing to damage to the property of others;

e) while affecting areas of conservation units or areas subject to a special use regime, pursuant to a decree by the Public Authorities;

f) while affecting urban areas or any human population settlements;

g) during an animal protection period;

h) on Sundays or holidays;

i) at night;

j) during times of drought or flood;

l) within a special protection area of the country;

m) using cruel methods for the elimination or capture of animals;

n) through fraud or abuse of trust;

o) through abuse of the right of license, permission or environmental authorization;

p) in the interest of a legal entity supported, in whole or in part, by public funds or benefiting from tax incentives;

q) affecting species that are threatened, as listed on official reports of the environmental authorities;

r) while facilitated by public officials in the exercise of their duties.

Art. 16. In crimes covered by this Law, the penalty may be conditionally suspended in cases of a sentence of deprivation of freedom not greater than three years.

Art. 17. The verification of reparations to which paragraph 2, art. 78 of the Criminal Code refers shall be carried out by means of a sentence of reparation of environmental damage, and the conditions to be applied by the judge must be related to protection of the environment.

Art. 18. The fine shall be calculated in accordance with

the criteria of the Criminal Code; in the event that this is demonstrated as being ineffective, even if applied at the maximum level, it may be increased by up to a factor of three, keeping in mind the value of the economic benefit received.

Art. 19. The expert evaluating the environmental damage shall, whenever possible, determine a value for the harm caused, for purposes of setting bail and calculating the fine.

Sole Paragraph. The expert opinion produced in the civil inquiry or the civil judgment may be used in the criminal proceedings, to be included within the adversary system.

Art. 20. The criminal sentencing shall, whenever possible, set a minimum amount for reparation of the harm caused by the violation, taking into consideration the damage incurred to the harmed party or the environment.

Sole Paragraph. After the sentencing is handed down, it may be executed in the amount set pursuant to the terms of the main body of this article, notwithstanding payments made to cover damage actually incurred.

Art. 21. Penalties incurred in isolation, cumulatively or alternatively by legal entities, in accordance with the provisions of art. 3, shall include the following:

I -- fine;

II -- restriction of rights;

III -- rendering of community service.

Art. 22. Restrictions on the rights of legal entities shall include the following:

I -- partial or total suspension of activities;

II -- temporary suspension of the establishment, work or activity;

III -- prohibition from contracting with the Public Authorities, as well as from obtaining subsidies, subventions or donations therefrom.

Paragraph 1. A suspension of activities shall be applied whenever such activities are inconsistent with the legal or regulatory provisions relating to protection of the environment.

Paragraph 2. A prohibition shall be applied whensoever the establishment, work or activity is carried out without due authorization, or in violation of such authorization as was granted, or in violation of the legal or regulatory provisions.

Paragraph 3. Prohibitions on contracting with the Public Authorities and on obtaining subsidies, subventions or donations therefrom may not exceed a period of ten years.

Art. 23. The rendering of community service by a legal entity shall consist of the following:

I -- financing environmental programs and projects;

II -- executing work for the recovery of damaged areas;

III -- maintaining public spaces;

IV -- contributing to public environmental or cultural entities.

Chapter III

Seizure of the Product and Instrument of the Administrative or Criminal Violation

Art. 25. Upon verification of a violation, its products and instruments shall be seized, and the respective documentation completed.

Paragraph 1. Animals shall be released into their habitat or delivered to zoos, foundations or similar entities, provided that they are under the responsibility of qualified technicians.

Paragraph 2. Perishables or wood products shall be appraised and given to scientific, hospital, criminal or other institutions for charitable purposes.

Paragraph 3. Non-perishable animal products and byproducts shall be destroyed or donated to scientific, cultural or educational institutions.

Paragraph 4. Instruments used in incurring the violation shall be sold, and their destruction shall be guaranteed by means of recycling.

Chapter IV

Criminal Procedures and Proceedings

Art. 26. Criminal proceedings involving the criminal violations covered under this Law shall be unconditionally public.

Sole Paragraph. (Vetoed)

Art. 27. For environmental crimes involving lesser offense, the immediate application of restrictions on rights or a fine, as provided for in art. 76 of Law No. 9.099 of 26 September 1995, may only be proposed subject to a prior breakdown of the environmental damage in accordance with art. 74 of the same Law, except where demonstrated as being impossible.

Art. 28. The provisions contained in art. 89 of Law No. 9.099 of 26 September 1995 shall apply to crimes of potentially lesser offense as defined in this Law, with the following changes:

I -- a declaration of extinction of capacity for punishment as discussed in paragraph 5 of the article mentioned in the main body hereof shall require a verification report of reparations for environmental damage, unless shown as being impossible, pursuant to section I, paragraph I of the same article;

II -- in the event that the verification report shows that reparations have not been completely paid, the period for suspension of the proceeding shall be extended up to the maximum period provided for in the article mentioned in the main body hereof, plus one additional year, with a suspension of the statute of limitations period;

III -- during the extension period the conditions contained in sections II, III and IV of paragraph 1 of the article mentioned in the main body hereof shall not apply;

IV -- upon expiration of the extension period, a new verification report of reparations for environmental damage shall be drafted, and depending upon its results, the suspension period may again be extended, up to the maximum term provided for in section II of this article, pursuant to the provisions contained in section III;

V -- upon expiration of the maximum extension period, the declaration of extinction of eligibility for punishment shall require a verification report showing that the accused party has taken all necessary measures for complete reparations of the damage.

Chapter V

Crimes Against the Environment

Section I

Crimes Against Animals

Art. 29. Killing, pursuing, hunting, capturing or using specimens of wild animals, whether native or on a migratory route, without proper permission, license or authorization from the authorities with jurisdiction or in violation of such as have been obtained:

Penalty: detention of six months to one year, and a fine.

Paragraph 1. The following shall incur the same penalties:

I -- those who prevent the procreation of animals, without license or authorization or in violation of those which have been obtained;

II -- those who change, damage or destroy nests, shelters or natural nurseries;

III -- those who sell, expose to sale, export or acquire, keep, hold in captivity or deposit, use or transport birds, larvae or specimens of wild animals, native or on a migratory route, as well as projects and objects corresponding thereto, relating to unauthorized nurseries or those without the proper permits, licenses or authorization from the authorities with jurisdiction.

Paragraph 2. For cases of wild animals not considered as being threatened with extinction, which are being kept for domestic purposes, the judge may, considering the circumstances, waive application of the penalty.

Paragraph 3. Specimens of wild animals shall be considered as being all those corresponding to native, migratory and any other species, aquatic or land, which spend all or part of their life cycle within the borders of Brazilian territory, or in Brazilian territorial waters.

Paragraph 4. The penalty shall be increased by one-half in the event that the crime is practiced:

I -- against rare species or those considered as being threatened by extinction, even if only in the place of the

violation;

II -- outside the hunting season;

III -- at night;

IV -- involving an abuse of license;

V -- in a Conservation Unit;

VI -- through the use of methods or instruments capable of causing mass destruction.

Paragraph 5. The penalty shall be increased by up to a factor of three in the event that the crime occurs while engaging in professional hunting activities.

Paragraph 6. The provisions contained in this article shall not apply to fishing activities.

Art. 30. Exporting raw animal or reptile skins or hides abroad, without authorization from the environmental authorities with jurisdiction:

Penalty: detention of three months to one year, and a fine.

Art. 31. Importing animal specimens into Brazil without a favorable official technical ruling and license issued by the authorities with jurisdiction:

Penalty: detention of three months to one year, and a fine.

Art. 32. Engaging in an act of abuse or mistreatment, or injuring or mutilating wild, domestic or domesticated animals, native or exotic:

Penalty: detention of three months to one year, and a fine.

Paragraph 1. Those who engage in harmful or cruel experiments on live animals, even for educational or scientific purposes, shall incur the same penalties in the event that alternate methods are available.

Paragraph 2. The penalty shall be increased by one-sixth to one-third in the event of the death of the animal.

Art. 33. Causing, through the emission of effluent or the transporting of materials, the disappearance of

specimens of aquatic fauna living in rivers, lakes, sluices, ponds, bays or Brazilian territorial waters:

Penalty: detention of from one to three years, or a fine, or both cumulatively.

Sole Paragraph. The same penalties shall apply to the following:

I -- those who cause damage to nurseries, sluices or aquiculture stations in the public domain;

II -- those who exploit natural fields of aquatic invertebrates and algae without license, permission or authorization from the authorities with jurisdiction;

III -- those who sink vessels or dispose of refuse of any nature over mollusk or coral banks that are duly marked on a nautical map.

Art. 34. Fishing during a period when fishing is prohibited or in areas prohibited by the agency with jurisdiction:

Penalty: detention of one to three years or a fine, or both penalties cumulatively.

Sole Paragraph. The same penalties shall apply to the following:

I -- the catching of fish species which must be preserved or specimens of size smaller than permitted;

II -- the catching of quantities of fish in excess of those allowed, or through the use of devices, supplies, techniques and methods that are not permitted;

III -- transporting, selling, benefiting from or processing specimens deriving from the prohibited collection, capture and fishing.

Art. 35. Fishing through the use of:

I -- explosives or substances which, when in contact with water, produce a similar effect;

II -- toxic substances or other media prohibited by the authorities with jurisdiction.

Penalty: imprisonment of from one to five years.

Art. 36. For purposes of this Law, fishing shall be understood as being any action with a view to removing, extracting, collecting, catching, apprehending or capturing specimens or groups of fish, crustaceans, mollusks and hydrobe plants, whether or not for purposes of economic exploitation, with the exception of species threatened with extinction as listed on the official lists of flora and fauna.

Art. 37. The reduction of animals is not a crime when carried out:

I -- under conditions of need, to satisfy the hunger of the agent or his family;

II -- to protect works, orchards and flocks from the predatory or destructive actions of animals, provided that this is legal and expressly authorized by the authorities with jurisdiction;

III -- (Vetoed)

IV -- by reason of the animal(s) being harmful, as so characterized by the agency with jurisdiction.

Section II

Crimes Against Plants

Art. 38. Destroying or harming plants considered as being subject to permanent preservation, even when growing, or using them in violation of the protection regulations:

Penalty: detention of from one to three years, or fine, or both penalties cumulatively.

Sole Paragraph. If the crime involves one of negligence, the penalty shall be reduced by one-half.

Art. 39. Cutting trees in forests considered as being for permanent preservation, without permission from the authorities with jurisdiction:

Penalty: detention of from one to three years, or a fine, or both penalties cumulatively.

Art. 40. Causing direct or indirect harm to the Conservation Units and areas discussed in art. 27 of Decree No. 99.274 of 6 June 1990, independently of their location:

Penalty: imprisonment of from one to five years.

Paragraph 1. Conservation Units shall be understood as being Biological Reserves, Ecological Reserves, Ecological Stations, National, State and Municipal Parks, National, State and Municipal Forests, Environmental Protection Areas, Areas of Significant Ecological Interest and Mining or other reserves which may be created by the Public Authorities.

Paragraph 2. The occurrence of damage affecting species threatened with extinction within the interior of the Conservation Units shall be considered as being an aggravating circumstance for purposes of setting the penalty.

Paragraph 3. If the crime involves one of negligence, the penalty shall be reduced by one-half.

Art. 41. Causing a jungle or forest fire:

Penalty: imprisonment of from two to four years, and a fine.

Sole Paragraph. In the event that the crime involves one of negligence, the penalty shall involve detention of six months to one year, and a fine.

Art. 42. Manufacturing, selling, transporting or releasing balloons that may cause fires in forests and other forms of vegetation, in urban areas or any type of human settlement:

Penalty: detention of from one to three years or a fine, or both penalties cumulatively.

Art. 43. (Vetoed)

Art. 44. Extracting rocks, sand, limestone or any type of ore from public forests or those considered as being subject to permanent preservation, without prior authorization:

Penalty: detention of six months to one year, and a fine.

Art. 45. Cutting or charcoal processing, as classified by decree of the Public Authorities, for industrial, energy-related or any other purposes, economic or otherwise, in violation of legal provisions:

Penalty: imprisonment of from one to two years, and fine.

Art. 46. Receiving or acquiring, for commercial or industrial purposes, wood, firewood, charcoal or other products of plant origin, without requiring the display of a license by the vendor, granted by the authorities with jurisdiction, and without obtaining the copy that must accompany the product until final use:

Penalty: detention of six months to one year, and fine.

Sole Paragraph. Parties who sell, place for sale, keep on deposit, transport or retain wood, firewood, charcoal and other products of plant origin, without a valid license, for the entire duration of the trip or storage, granted by the authorities with jurisdiction, shall incur the same fine.

Art. 47. (Vetoed)

Art. 48. Preventing or impeding the natural re-growth of forests and other forms of vegetation:

Penalty: detention of six months to one year, and a fine.

Art. 49. Destroying, damaging, injuring or mistreating ornamental plants in public spaces or on the private property of third parties, by any method or means:

Penalty: detention of from three months to one year, or a fine, or both penalties cumulatively.

Sole Paragraph. For crimes involving negligence, the penalty shall be from one to six months, or a fine.

Art. 50. Destroying or damaging native forests or plantings of dune-protection vegetation, or vegetation protecting mangroves, covered by special preservation:

Penalty: detention of from three months to one year, and a fine.

Art. 51. Selling of chain saws or the use thereof in forests and on other forms of vegetation, without license or registration with the authorities with jurisdiction:

Penalty: detention of from three months to one year, and a fine.

Art. 52. Penetration into Conservation Units using substances or instruments appropriate for hunting or for the exploitation of forestry products or byproducts, without license from the authorities with jurisdiction:

Penalty: detention of from six months to one year, and a fine.

Art. 53. For the crimes covered under this Section, the penalty shall be increased by one-sixth to one-third in the event that:

I -- the action results in a decrease in natural waters, erosion of the soil or a change in weather patterns;

II -- the crime is committed:

a) during the seed-dropping period;

b) during the vegetation-growing period;

c) against rare species or those threatened with extinction, even if the threat occurs only at the location of the violation;

d) during drought or floods;

e) at night, on Sundays or holidays.

Section III

Pollution and Other Environmental Crimes

Art. 54. Causing pollution of any nature at levels that result or which may result in harm to human health, or which cause the death of animals or significant destruction of plants:

Penalty: imprisonment of from one to four years, and a fine.

Paragraph 1. In the event that the crime involves one of negligence:

Penalty: detention of from six months to one year, and a fine.

Paragraph 2. In the event that the crime:

I -- involves improper occupation of an urban or rural area for human settlement;

II -- causes atmospheric pollution resulting in the removal, even if temporarily, of the inhabitants of the affected areas, or causes direct harm to the health of the

population;

III -- causes water pollution that makes it necessary to interrupt the public supply and consumption of water;

IV -- impedes or prevents the public use of beaches;

V -- occurs as a consequence of solid, liquid or gaseous waste, or residue, oils or oily substances, in violation of the requirements established by law or regulation;

Penalty: imprisonment of from one to five years.

Paragraph 3: The same penalties as provided for in the preceding paragraph shall apply to those who fail to adopt precautionary measures, when so required by the authorities with jurisdiction, in the event of the risk of serious or irreversible environmental damage.

Art. 55. Executing research, working or extracting ore resources without the corresponding authorization, permission, concession or license, or in violation of those that were obtained:

Penalty: detention of from six months to one year, and a fine.

Sole Paragraph. Parties who fail to restore explored or exploited areas pursuant to the terms of the authorization, permission, license, concession or ruling of the agency with jurisdiction shall incur such penalties.

Art. 56. Producing, processing, packaging, importing, exporting, selling, supplying, transporting, storing, safekeeping, holding on deposit or using toxic products or substances hazardous or harmful to human health or to the environment, in violation of the requirements set forth by law or regulation:

Penalty: imprisonment of from one to four years, and a fine.

Paragraph 1. Parties who abandon the products or substances mentioned in the main body of this article, or who use them in violation of the safety regulations shall be subject to the same penalties.

Paragraph 2. In the event that the product or substance is nuclear or radioactive, the penalty shall be increased by one-sixth to one-third.

Paragraph 3. In the event that the crime involves one of negligence:

Penalty: detention of from six months to one year, and a fine.

Art. 57. (Vetoed)

Art. 58. For cases of the fraudulent crimes covered under this Section, the penalties shall be increased:

I -- from one-sixth to one-third, if irreversible damage to the flora or to the environment in general results;

II -- from one-third to one-half, if serious bodily injury to others results;

III -- up to double, if it results in the death of another party.

Sole Paragraph. The penalties covered under this article shall only apply in the event that no other more serious crime results from the event.

Art. 59. (Vetoed)

Art. 60. Constructing, reforming, expanding, installing or performing duties, in any part of the country, of facilities, works or services that are potentially polluting, without a license or authorization from the environmental agencies with jurisdiction thereover, or in violation of the relevant legal and regulatory standards:

Penalty: detention of from one to six months, or a fine, or both penalties cumulatively.

Art. 61. Spreading disease or plague or species that may cause harm to agriculture, fishing, fauna or flora or to the ecosystems;

Penalty: imprisonment of from one to four years, or a fine.

Section IV

Crimes Against the Urban Order and Cultural Assets

Art. 62. Destroying, misusing or damaging:

I -- assets specifically protected by law,
administrative act or judicial ruling;

II -- files, records, museums, libraries, picture
galleries, scientific facilities or similar facilities
protected by law, administrative decree or judicial ruling;

Penalty: imprisonment of from one to three years, and a
fine.

Sole Paragraph. In the event that the crime involves one
of negligence, the penalty shall be from six months to one
year of detention, and no fine.

Art. 63. Changing the appearance or structure of a
building or site specifically protected by law,
administrative decree or judicial ruling by reason of its
appearance, ecological, tourism, artistic, historic,
cultural, religious, ethnographic or monumental value,
without authorization from the authorities with
jurisdiction or in violation of such as was granted:

Penalty: imprisonment of from one to three years, and a
fine.

Art. 64. Promoting construction on non-buildable soil,
or in the vicinity thereof, as well as in areas esteemed
for their landscape, ecological, artistic, touristic,
historic, cultural, religious, archeological, ethnographic
or monumental value, without authorization from the
authorities with jurisdiction or in violation of such as
was granted:

Penalty: detention of from six months to one year, and a
fine.

Art. 65. Painting, writing on or in any other way
defiling a building or urban monument:

Penalty: detention of from three months to one year, and
a fine.

Sole Paragraph. If the action was carried out on a
monument or fallen item esteemed for its artistic,
archeological or historic value, the penalty shall be from
six months to one year of detention, and a fine.

Section V

Crimes Against the Environmental Authorities

Art. 66. Making a false or deceitful statement to a public official, omitting the truth, or unlawfully withholding information or technical-scientific data in authorization or environmental licensing procedures:

Penalty: imprisonment of from one to three years, and a fine.

Art. 67. Issuance by a public official of a license, authorization or permit in violation of environmental regulations, for activities, works or services, the performance of which requires authorization by the Public Authorities:

Penalty: detention of from one to three years, and a fine.

Sole Paragraph. In the event that the crime involves one of negligence, the penalty shall be from three months to one year of detention, notwithstanding any fines as may apply.

Art. 68. Parties with the legal or contractual duty to ensure compliance with obligations of significant environmental interest and which fail to do so shall be subject to the following:

Penalty: detention of from one to three years, and a fine.

Sole Paragraph. In the event that the crime involves one of negligence, the penalty shall be from three months to one year, notwithstanding any fines as may apply.

Art. 69. Preventing or impeding monitoring activities by the Public Authorities involving environmental matters:

Penalty: detention of from one to three years, and a fine.

Chapter VI

Administrative Violations

Art. 70. An environmental administrative violation shall be considered as being any action or omission that violates the legal rules for the use, enjoyment, promotion, protection and recovery of the environment.

Paragraph 1. The authorities with jurisdiction to record environmental violation documents and to file

administrative proceedings are officials of the environmental agencies forming part of the National Environmental System (SISNAMA), appointed to activities involving monitoring, as well as agents of the Ministry of the Navy Port Command.

Paragraph 2. Any party finding evidence of an environmental violation may send notification to the authorities listed in the preceding paragraph, for purposes of the exercise of their police powers.

Paragraph 3. Environmental authorities who obtain knowledge of an environmental violation shall be required to promote the immediate investigation thereof, through the appropriate administrative process, under threat of being declared co-liable.

Paragraph 4. Environmental violations shall be subject to the appropriate administrative proceeding, ensuring the right of broad defense under the adversary system, pursuant to the provisions of this Law.

Art. 71. Administrative proceedings for investigation of an environmental violation must conform to the following deadlines:

I -- twenty days for the violator to offer defense against or contest the violation decree, from the date the violator is informed thereof;

II -- thirty days for the authorities with jurisdiction to rule on the violation decree, as of the date of its recording, regardless of whether a defense or objection has been filed;

III -- twenty days for the violator to appeal the adverse ruling to the higher courts of the National Environmental System (SISNAMA) or to the Ports and Coasts Office of the Ministry of the Navy, in accordance with the type of proceeding;

IV -- five days for the payment of a fine, as of the date of receipt of the notification.

Art. 72. Administrative violations shall be punished by the following penalties, pursuant to the provisions contained in Art. 6:

I -- warning;

II -- single fine;

III -- daily fine;

IV -- seizure of animals, products and byproducts of fauna and flora, instruments, supplies, equipment or vehicles of any nature used in the violation;

V -- destruction or immobilization of the product;

VI -- suspension from selling or manufacturing the product;

VII -- embargo of works or activity;

VIII -- demolition of the works;

IX -- partial or total suspension of activities;

X -- (Vetoed)

XI -- restrictions on rights.

Paragraph 1. In the event that the violator simultaneously commits two or more violations, the penalties corresponding thereto shall be applied cumulatively.

Paragraph 2. A warning shall be applied for failure to comply with the provisions of this Law and current legislation, or of regulatory precepts, notwithstanding such other penalties as are provided for in this article.

Paragraph 3. A single fine shall be applied whensoever the agent, by reason of negligence or fraud:

I -- after being warned of such irregularities as may have been practiced, fails to correct them within the deadline specified by the SISNAMA agency with jurisdiction or by the Ministry of the Navy Ports Command;

II -- places obstacles to monitoring by the SISNAMA agencies or by the Ministry of the Navy Ports Command.

Paragraph 4. A single fine may be converted to services involving the preservation, improvement and restoration of the quality of the environment.

Paragraph 5. A direct fine shall be applied whensoever commission of the violation took place over an extended period of time.

Paragraph 6. The seizure and destruction mentioned in sections IV and V of the main body of this article shall conform to the provisions contained in art. 25 of this Law.

Paragraph 7. The penalties specified in sections VI to IX of the main body of this article shall be applied when the product, work, activity or establishment fail to conform to the legal or regulatory prescriptions.

Paragraph 8. Penalties involving restrictions of rights are the following:

I -- suspension of registration, license or authorization;

II -- cancellation of registration, license or authorization;

III -- loss or restriction of tax incentives and benefits;

IV -- loss or suspension of participation in lines of credit at official credit establishments;

V -- prohibition on contracting with the Government, for a period of up to three years.

Art. 73. The sums collected in payment of fines for environmental violations shall be paid to the National Environmental Fund, created by Law No. 7.797 of 10 July 1989, the Naval Fund, created by Decree No. 20.923 of 8 January 1932, state or municipal environmental funds, or similar funds, as provided for by the collecting agency.

Art. 74. The fine shall be based on the unit, hectare, cubic meter, kilogram or other relevant measure, in accordance with the harmed legal objective.

Art. 75. The value of the fine discussed in this Chapter shall be set in the regulations of this Law and shall be periodically adjusted, based on the indices established in the corresponding legislation, with the minimum amount to be R 50.00 (fifty Brazilian reais) and the maximum R\$ 50,000,000.00 (fifty million Brazilian reais).

Art. 76. The payment of fines imposed by the States, Municipalities, Federal District or territories shall replace the federal fine in the same case of incidence.

Chapter VII

International Cooperation for Preservation of the Environment

Art. 77. Consistent with maintaining national sovereignty, public order and good practice with respect to the environment, the Brazilian government shall provide the necessary cooperation to other countries, at no charge, when requested to:

I -- produce evidence;

II -- examine objects and places;

III -- provide information on individuals and things;

IV -- arrange for the temporary presence of the arrested individual, whose statements are relevant for the ruling in a case;

V -- provide other forms of assistance permitted by current law or by such treaties as Brazil is party to.

Paragraph 1. The request mentioned in this article shall be sent to the Ministry of Justice, which shall forward it, where applicable, to the legal body with jurisdiction to rule in this regard, or to the authority capable of attending to it.

Paragraph 2. The request must contain the following:

I -- the name and qualification of the requesting authority;

II -- the objective and reason for its preparation;

III -- a summary description of the procedure under way in the requesting country;

IV -- a description of the assistance requested;

V -- the documentation necessary for clarification, as the case may be.

Art. 78. For purposes of achieving the purposes intended by this Law, and specifically with a view to reciprocal international cooperation, an appropriate communications system must be maintained for facilitating the fast and safe exchange of information with agencies from other countries.

Chapter VIII

Final Provisions

Art. 79. The provisions contained in the Criminal Code and the Criminal Procedures Code shall also apply to this Law.

Art. 80. The Executive Branch shall implement this Law within a period of ninety days after its publication.

Art. 81. (Vetoed)

Art. 82. All provisions to the contrary are hereby revoked.

Brasilia, 12 February 1998; 177th year of Independence and 110th year of the Republic.

Fernando Henrique Cardoso

Gustavo Krause

EFFECTIVE-DATE: 02/12/1998