

Environmental Crimes Law

Chapter I General Provisions

Art. 1 – (Vetoed)

Art. 2 – Whosoever, in any way, contributes to the practice of the crimes foreseen in this Law, incurs the stipulated penalties, to the extent of his culpability, as well as the director, the administrator, the member of a board or of a technical agency, the auditor, the manager, the agent or the mandatary of a legal entity who, knowing of the criminal conduct of another, fails to stop its practice, when he could act to avoid it.

Art. 3 – Legal entities will be administratively, civilly and criminally responsible, according to that provided for in this Law, in the instances where violation is committed by decision of its legal or contractual representative or of its collective body, in the interest, or to the benefit, of the entity.

Sole Paragraph. The responsibility of legal entities does not exclude that of individuals, authors, co-authors or participants of the same fact.

Art. 4 – The legal entity can be disregarded whenever its standing becomes an obstacle to the refunding of damages caused to the environmental quality.

Art. 5 – (Vetoed)

Chapter II Penalties

Art. 6 – In determining penalties, the competent authority shall observe:

- I - the seriousness of the fact, considering the reasons for the violation and its consequences to public health and to the environment;
- II - the offender's past history with respect to compliance of environmental legislation;
- III - the offender's financial situation, in the case of a fine.

Art. 7 – The penalties which restrict rights are autonomous and replace imprisonment when:

- I - the crime is without malice or when imprisonment for up to four years is applied;
- II - the culpability, background, social behavior and the personality of the condemned person, as well as the motives and the circumstances of the crime, indicate that the replacement is adequate for purposes of condemnation and crime prevention.

Sole Paragraph. The penalties which restrict rights referred to in this Article, will have the same duration as the replaced imprisonment.

Art. 8 – The penalties which restrict rights are:

- I - community services;
- II - temporary suspension of rights;
- III - partial or total suspension of activities;
- IV - disbursement;
- V - house arrest.

Art. 9 – Community services consist in assigning the condemned to unpaid work in public gardens and parks, and in Protected Areas; and in the case of damage to private or public property, if possible, in its restoration.

Art. 10 – Penalties of temporary suspension of rights are: precluding the condemned from entering into contracts with the Government, prohibiting receipt of fiscal benefits or any other benefits, as well as from participating in bidding processes, for a period of five years in the case of fraudulent crimes and, three years in the case of crimes without malice.

Art. 11 – Suspension of activities shall be applied when these do not comply with legal provisions.

Art. 12 – Disbursement consists of a cash payment to the victim, or to the public or private entity of social purpose, in the amount determined by the judge, of not less than one and not more than three hundred and sixty monthly minimum wages. The amount paid will be deducted from the amount of any civil indemnity which the offender was sentenced to pay.

Art. 13 – House arrest is based on the self-discipline and on the sense of responsibility of the condemned, who, without being supervised, will have to work, to attend classes or to pursue any authorized activity, remaining at home or at any other place defined as his usual residence, on days and times off, in accordance with that established in the sentence.

Art. 14 – The circumstances, which attenuate the penalty, are:

- I - the agent's low instruction or schooling level;
- II - the offender's regret, expressed by the spontaneous reparation of the damage caused or significant limitation of the environmental degradation caused;
- III - prior communication by the agent of an imminent risk of environmental degradation;
- IV - cooperation with the agents in charge of environmental monitoring and control.

Art. 15 – The circumstances which aggravate the penalty, when they are not in themselves a crime or are not qualifying a crime, are:

- I - recurrence of environmental crimes;
- II - if the agent committed the crime:
 - a) in order to obtain monetary advantage;
 - b) by coercing another to execute the violation;
 - c) by affecting or endangering public health or the environment in a serious manner;
 - d) by contributing to damage the property of others;
 - e) by affecting Protected Areas or areas subject to a special usage regimen by a Government Act;
 - f) by affecting urban areas or any other human settlements;
 - g) in the moratorium season of fauna;
 - h) on Sundays or holidays;
 - i) at nights;
 - j) in periods of droughts or floods;
 - k) within specially protected territory;
 - l) by using cruel methods to kill or capture animals;
 - m) by defrauding or abusing trust;
 - n) by abusing the rights of environmental licenses, permissions or authorizations;
 - o) in the interest of a legal entity that is partially or totally supported by public funds or that benefits from tax incentives;
 - p) by risking the life of endangered species, listed in official reports of competent authorities;
 - q) facilitated by a civil servant in the exercise of his duties.

Art. 16 – In the crimes foreseen by this Law, the conditional suspension of the penalty can be applied to instances of sentencing to imprisonment of not more than three years.

Art. 17 – Verification of the reparation referred to in Paragraph 2 of Article 78 of the Penal Code shall be carried out by means of a report on the reparation to environmental damage, and the conditions to be imposed by the judge shall be related to the protection of the environment.

Art. 18 – The fine shall be calculated in accordance with Penal Code criteria; if it is shown to be inefficient, even if the maximum value is applied, it may be increased up to three times, considering the economic advantage obtained.

Art. 19 – The expert's report confirming the environmental damage shall, whenever possible, determine the amount of the damage inflicted, for purposes of bail and calculation of fines.

Sole Paragraph. The expert's report produced during the police or private inquest may be used in the penal process, by initiating a contradictory plea.

Art. 20 – The conviction sentence shall whenever possible determine the minimum amount for reimbursement of the damages caused by the violation, considering the injuries suffered by the offended individual or by the environment.

Sole Paragraph. As the conviction sentence enters into force, its execution shall come into effect for the amount fixed as provided for in the *chapeau*, without prejudice to the liquidation to verify the damage that has effectively taken place.

Art. 21 – The penalties susceptible to being applied singly, cumulatively or alternatively to legal entities, in accordance with that provided for in Article 3, are:

- I - fine;
- II - restriction of rights;
- III - community services.

Art. 22 – The penalties restricting the rights of legal entities are:

- I - partial or total suspension of their activities;
- II - temporary interdiction of their establishment, work or activity;
- III - preclusion from entering into contracts with the Government, as well as, from receiving subsidies, subventions or donations from it.

§ 1 – Suspension of their activities will be applied when these do not comply with legal or regulatory provisions related to environmental protection.

§ 2 – Interdiction will be applied when the establishment, work or activity is operating without the appropriate authorization or in breach of the existing one or violating a legal or regulatory provision.

§ 3 – Preclusion from being contracted by the Government and from obtaining subsidies, subventions or donations cannot exceed a ten year period.

Art. 23 – Community services by the legal entity shall consist in:

- I - financing environmental programs and projects;
- II - performing recovery works in degraded areas;
- III - maintaining public areas;
- IV - contributing to public environmental or cultural entities.

Art. 24 – The legal entity preponderantly constituted or utilized to permit, facilitate or hide the practice of a crime defined by this Law, shall have adjudged its forced liquidation; its assets will be considered instrument of the crime, and as such, will be transferred to the National Penitentiary Fund.

Chapter III

Confiscation of the Product and the Instrument of Administrative Violation or Crime

Art. 25 – Upon verification of a violation, its products and instruments will be confiscated, by recording the violation in the respective legal proceedings.

§ 1 – Animals will be released into their habitat or be given to zoos, foundations or similar entities, as long as they remain under the responsibility of qualified technical personnel.

§ 2 – If perishable products or timber are concerned, they will be assessed and donated to scientific institutions, hospitals, prisons and other similar entities.

§ 3 – Non-perishable fauna products and byproducts shall be destroyed or donated to scientific, cultural or educational institutions.

§ 4 – The instruments used to commit the violation shall be sold, and their characteristics removed by recycling.

Chapter IV

Criminal Action and Proceedings

Art. 26 – In the criminal violations foreseen by this Law, criminal action is unconditioned public.

Sole Paragraph. (Vetoed)

Art. 27 – In environmental crimes with lesser offensive potential, the proposal for an immediate application of restriction of rights or a fine, as provided for in Article 76 of Law No. 9,099, dated September 26, 1995, can only be formulated if a prior reparation of the environmental damage has been carried out, as provided for in Article 74 of the same Law, unless there is proven impossibility.

Art. 28 – The provisions of Article 89 of Law No. 9,099, dated September 26, 1995, are applied to the crimes with lesser offensive potential defined by this Law, with the following modifications:

- I - the statement of termination of punishability, dealt with by Paragraph 5 of the article referred to in the *chapeau*, will depend on the evidence report to ascertain reparation of the environmental damage, with the exception of the impossibility foreseen in Clause I of Paragraph 1 of the same article;
- II - in the case where the report proves that reparation has not been complete, the suspension period of the process will be extended for a period up to the maximum foreseen in the article mentioned in the *chapeau*, increased by one year with suspension of the prescription period;
- III - during the extended period, the conditions stated in Clauses II, III and IV of Paragraph 1 of the article mentioned in the *chapeau*, shall not apply;
- IV - at the end of the extended period, a new report will be made to record the reparation of the environmental damage, according to which, the suspension period may be extended for a period up to the maximum foreseen in Clause II of this article, in compliance with that provided for in Clause III;
- V - on termination of the maximum extension period, the statement of termination of punishability will depend on whether the report proves that the offender has taken the measures required to completely repair the damage.

Chapter V

Crimes against the Environment

Section I

Crimes against Fauna

Art. 29 – To kill, pursue, hunt, catch, use specimens of wild animals, whether native or on migratory routes, without the appropriate permission, license or authorization from the competent authority or in breach of the acquired permission, license or authorization:

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

§ 1 – The following incur the same penalties:

I - whosoever obstructs procreation of fauna without the appropriate license or authorization or in breach of the acquired license or authorization;

II - whosoever modifies, damages or destroys nests, shelters or natural breeding areas;

III - whosoever trades, puts up for sale, exports or acquires, keeps in captivity or in warehouses, uses or transports eggs, larva or specimens of the wild animals, whether native or on migratory routes, as well as products or objects originating therein, from a non-authorized breeding area or without the appropriate permission, license or authorization from the competent authority.

§ 2 – In the case of domestic custody of a wildlife species that is not considered endangered, the judge may, depending on the circumstances, not apply the penalty.

§ 3 – Any specimen belonging to a native species, migratory and any other, water or land based, that has all or part of its life cycle taking place within the Brazilian territory or in Brazilian jurisdictional waters, is considered to be a wild fauna species.

§ 4 – The penalty is increased by half, if the crime is committed:

I - against rare species or species considered endangered, even if only at the site of violation;

II - in the period in which hunting is prohibited;

III - during the night;

IV - by abusing the license;

V - within a protected area;

VI - by using methods or instruments capable of provoking mass destruction.

§ 5 – The penalty is increased up to three times if the crime occurs during professional hunting.

§ 6 – The provisions of this article do not apply to fishing.

Art. 30 – To export unfinished skins and hides of amphibians and reptiles without the authorization from the competent environmental authority:

Penalty – imprisonment of one to three years and fine.

Art. 31 – To introduce animal specimens in the country without a favorable official technical report and a license given by the competent authority:

Penalty – detention of three months to one year and fine.

Art. 32 – To abuse, mistreat, injure or mutilate wild, domestic or domesticated animals, whether native or exotic:

Penalty – imprisonment of three months to one year and fine.

§ 1 – Whosoever carries out painful or cruel experiments with live animals, even for teaching or scientific purposes, incurs in the same penalties, whenever there are alternative means.

§ 2 – The penalty is increased by one-sixth to one-third if the animal dies.

Art. 33 – To cause, by emission of effluents or by dragging materials, the death of aquatic fauna specimens existing in rivers, lakes, dams, lagoons, bays or in Brazilian jurisdictional waters:

Penalty – detention of one to three years or fine, or both cumulatively.

Sole Paragraph. The same penalties are applied to:

- I - whosoever causes degradation in plant nurseries, dams or public aquaculture stations;
- II - whosoever exploits natural fields of aquatic invertebrate animals and algae, without license, permission or authorization from the competent authority;
- III - whosoever anchors vessels or throws debris of any nature on mollusk or coral banks, duly delimited on nautical maps.

Art. 34 – To fish during periods in which fishing is prohibited or in places forbidden by the competent agency:

Penalty – detention of one to three years or fine, or both cumulatively.

Sole Paragraph. Incurs in the same penalties whosoever:

- I - fishes species that must be preserved or specimens whose size is smaller than permitted;
- II - fishes in quantities that exceed those allowed or by using fishing tools, equipment, techniques and methods which are not permitted;
- III - carries, trades, processes or industrializes specimens from prohibited fishing, capture, and collection.

Art. 35 – To fish with the use of:

- I - explosives or substances which, in contact with the water, produce similar effect;
- II - toxic substances or other means forbidden by the competent authority:

Penalty – imprisonment of one to five years.

Art. 36 – For the purposes of this Law, fishing is considered to be every act intending to remove, extract, collect, catch, confiscate or capture specimens of fish, crustaceans, mollusk and hydro-bio vegetables, susceptible or not to economic use, with the exception of endangered species, listed in the official fauna and flora lists.

Art. 37 – It is not considered a crime to kill an animal when it is carried out:

- I - in the case of need, to satisfy the hunger of the agent or that of his family;
- II - to protect agriculture, orchards and herds from predatory or destructive action by animals, if express and legal authorization is issued by the competent authority;

III - (Vetoed)

IV - because the animal is dangerous, if it has been so characterized by the competent agency.

Section II
Crimes against flora

Art. 38 To destroy or damage a forest considered to be a permanent preservation forest, even if under formation, or use it infringing protection norms:

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

Sole Paragraph. If crime is without malice, the penalty will be reduced by a half.

Art. 39 To fell trees in a forest considered to be a permanent preservation forest, without permission from the competent authority:

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

Art. 40 To inflict direct or indirect damage to Protected Areas and to the areas dealt with in Article 27 of Decree No. 99,724, dated June 6, 1990, irrespective of their localization:

Penalty: imprisonment from one to five years.

§ 1. Protected Areas are defined as Biological Reserves, Ecological Reserves, Ecological Stations, National, State and Municipal Parks, National, State and Municipal Forests, Environmental Protection Areas, Areas of Relevant Ecological Interest and Extractive Reserves or others to be created by the Government.

§ 2. Occurrence of damage affecting endangered species within the Protected Areas will be considered aggravating circumstances for the purpose of determining the penalty.

§ 3. If the crime is without malice, penalty will be reduced by half.

Art. 41 To start a fire in woods or forest:

Penalty - imprisonment from two to four years and fine.

Sole Paragraph. If crime is without malice, the penalty is detention from six months to one year and fine.

Art. 42 To manufacture, sell, transport or release fire balloons that could cause fire in forests and any other forms of vegetation, in urban areas or in any type of human settlement:

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

Art. 43 (Vetoed)

Art. 44 To extract stones, sand, lime or any type of mineral from publicly owned forests or those considered permanent preservation forests, without prior authorization:

Penalty - detention, from six months to one year and fine.

Art. 45 To cut noble wood, as defined by Executive Act, or transform it into charcoal for industrial, energetic purposes or any other exploitation, economic or otherwise, in breach of legal determinations:

Penalty - imprisonment, for one to two years and fine.

Art. 46 To receive or acquire, for commercial or industrial purposes, timber, fuelwood, charcoal or other plant based products, without requiring presentation of the vendor's license, granted by the competent authority, and without having the copy which should accompany the product until final processing:

Penalty - detention, from six months to a year and fine.

Sole Paragraph. The same penalty is incurred by whosoever sells, puts up for sale, stores, transports or keeps timber, fuelwood, charcoal and other plant based products, without a valid license for the whole period of travel or storage, granted by the competent authority.

Art. 47 (Vetoed)

Art. 48 To prevent or jeopardize natural regeneration of forests and any other forms of vegetation:

Penalty - detention, from six months to one year and fine.

Art. 49 To destroy, damage, injure or mistreat, by any manner or means, ornamental plants in public places or in private properties belonging to others:

Penalty - detention, from three months to one year or fine, or both penalties cumulatively.

Sole Paragraph. In crime without malice, the penalty is from one to six months or fine.

Art. 50 To destroy or damage native or planted forests or vegetation which fixates dunes or protects mangroves, a special object of preservation:

Penalty - detention, from three months to one year, and fine.

Art. 51 To trade in power saws or use them in forests and on any other types of vegetation, without license or register from the competent authority:

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

Art. 52 To enter into Protected Areas carrying substances or instruments used for hunting or exploitation of forest products or byproducts, without license from the competent authority.

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

Art. 53 For the crimes foreseen in this Section, the penalty is to be increased by one sixth to one third if:

- I - a result of the fact is the decrease of natural waters, soil erosion or modification of climatic regime;
- II - the crime is committed:
 - a) during the period of seed dispersion;
 - b) during the period of vegetation formation;
 - c) against rare or endangered species, even if only endangered at the site of the crime;
 - d) during times of flooding or drought;
 - e) during the night, on Sundays and holidays.

Section III

Pollution and other environmental crimes

Art. 54 To cause pollution of any nature to such an extent that it results or could result in damage to human health, or that it could cause death of animals or significant destruction of flora:

Penalty – imprisonment of one to four years and fine.

§ 1 – If the crime is without malice:

Penalty: detention for six months to one year and fine.

§ 2 – If the crime:

- I – renders a rural or urban area unsuitable for human occupation;
- II – causes air pollution that results in departure of the affected area's inhabitants, even if momentarily, or causes direct damage to the population's health;
- III – causes water pollution so that it is necessary to interrupt the public water supply in a community;
- IV – hinders or prevents public access to beaches;
- V – occurs due to dumping of solid, liquid or gaseous wastes, or debris, oils, or oily substances contrary to that established in laws or regulations:

Penalty – imprisonment of one to five years;

§ 3 – Whosoever does not adopt the precautionary measures required by competent authorities in cases of serious or irreversible environmental damage incurs the same penalties provided for in the previous paragraph.

Art. 55 – To carry out research, mining or extraction of mineral resources, without the competent authorization, permission, concession or license or in breach of the granted authorization, permission, concession or license:

Penalty – detention for six months to one year and fine.

Sole Paragraph. Whosoever does not recover the researched or exploited area, as established in the authorization, allowance, permission, license, concession or determination of the competent agency will incur the same penalties.

Art. 56 To produce, process, package, import, export, trade, supply, transport, store, keep, warehouse or use products or substances that are toxic, dangerous or noxious to human health or to the environment, contrary to the requirements established in laws or regulations:

Penalty – detention for one to four years and fine.

§ 1 – Whosoever abandons the products or substances mentioned in the *chapeau*, or uses them contrary to safety norms incurs the same penalties.

§ 2 – If the product or the substance is nuclear or radioactive, the penalty will be increased by a sixth to a third.

§ 3 – If it is a crime without malice:

Penalty – detention for six months to one year and fine.

Art. 57 (Vetoed)

Art. 58 In the fraudulent crimes provided for in this Section, the penalties will be increased:

- I – by one-sixth to one-third, if the crime results in irreversible damage to flora or to the environment in general;
- II - by one-third to one half, if the crime results in serious physical damage to another person;
- III – up to double, if the crime results in the death of another person.

Sole Paragraph. The penalties foreseen in this Article shall only be applied if no other more serious crime arises from the fact.

Art. 59 (Vetoed)

Art. 60 To build, reform, enlarge, install or put to work, anywhere in the national territory, establishments, works or potentially contaminating services, without license or authorization from the competent environmental agencies, or contrary to relevant legal and regulatory norms:

Penalty – detention of one to six months or fine, or both penalties cumulatively.

Art. 61 – To disseminate disease, pests or species that may cause damage to agriculture, herds, fauna, flora, or to ecosystems:

Penalty – one to four years imprisonment and fine.

Section IV

Crimes against urban management and cultural heritage

Art. 62 To destroy, render useless or deteriorate:

- I – assets specially protected by law, administrative act or judicial decision;
- II – a file, record, museum, library, art collection, scientific installation, or the like, protected by law, administrative act or judicial decision:

Penalty – one to three years imprisonment and fine.

Sole Paragraph. If the crime is without malice, the penalty is detention of six months to one year, without prejudice to the fine.

Art. 63 To change the appearance or structure of a building or site specially protected by law, administrative act or judicial decision, because of its landscape, or ecological, touristic, artistic, historical, religious, cultural, archaeological, ethnographic or monumental value, without authorization from the competent authority or in breach of the granted authorization:

Penalty – one to three years imprisonment and fine.

Art. 64 To build on an area on which construction is not permitted, or its surroundings, because of its landscape, ecological, touristic, artistic, historical, cultural, religious, archaeological, ethnographic or monumental value, without authorization from the competent authority or in breach of the granted authorization:

Penalty – detention of six months to one year imprisonment.

Art. 65 To paint graffiti or defile by any other means urban buildings or monuments:

Penalty – detention of three months to one year and fine.

Sole Paragraph. If the act is carried out on a monument or object that is protected because of its artistic, archaeological or historical value, the penalty is detention from six months to one year and fine.

Section V

Crimes against environmental administration

Art. 66 Civil servants making a false or deceitful statements, omitting the truth, or withholding information or technical-scientific data in environmental authorization or licensing procedures:

Penalty – one to three years imprisonment and fine.

Art. 67 Civil servant granting license, authorization or permission contrary to environmental norms, for activities, works or services, which depend on an authorization act from the Government:

Penalty – detention of one to three years and fine.

Sole Paragraph. If the crime is without malice, the penalty is detention for three months to one year, without prejudice to the fine.

Art. 68 Omission of compliance with an obligation of relative environmental interest by whosoever has the contractual or legal duty to do so:

Penalty – detention of one to three years and fine.

Sole Paragraph. If the crime is without malice, the penalty is three months to one year, without prejudice to the fine.

Art. 69 To prevent or hinder the Government's monitoring actions in environmental issues:

Penalty: detention of one to three years and fine.

Chapter VI

Administrative Violation

Art. 70 Environmental administrative violation is considered to be every action or omission, which violates the legal regulations on use, fruition, promotion, protection and recovery of the environment.

§ 1 – The authorities competent to record an environmental violation, and to initiate administrative proceedings, are those employees of environmental agencies, part of SISNAMA - the Brazilian National Environment System, who are designated for monitoring actions, as well as the agents of the Port Authorities of the Ministry of the Navy.

§ 2 – Any person, who verifies an environmental violation, can notify the authorities mentioned in the previous paragraph, in order that they may exert their functions.

§ 3 – The environmental authority that has knowledge of an environmental violation is obliged to promote immediate verification, through appropriate administrative proceedings, under penalty of co-responsibility.

§ 4 – Environmental violations are verified through appropriate administrative proceedings, by ensuring the right of ample defense and contradictory plea, observing the provisions of this Law.

Art. 71 The administrative proceedings to verify an environmental violation must observe the following deadlines:

- I – twenty days for the offender to present his defense or to contest the recording of the violation, counting from the date of his awareness of the recording;
- II – thirty days for the competent authority to judge the recording of the violation, counting from the date of its recording, with or without defense or contest;
- III – twenty days for the offender to appeal the condemnation before the SISNAMA (Brazilian national environment system), or before the Port Authorities of the Ministry of the Navy, according to the type of recording enacted;
- IV – five days to pay the fine, counting from the date of receipt of the notification.

Art. 72 Administrative violations are punished through the following sanctions, according to Article 6:

- I – warning;
- II – simple fine;
- III – daily fine;
- IV – confiscation of animals, fauna and flora products and byproducts, tools, supplies, equipment or vehicles of any nature used in the violation;
- V – destruction of the product or rendering it useless;
- VI – suspension of sale and manufacture of the product;
- VII – embargo of the construction or activity;
- VIII – demolition of construction;
- IX – partial or total suspension of activities;
- X – (Vetoed);
- XI – restriction of rights.

§ 1 – If the offender commits, simultaneously, two or more violations, he will receive cumulative sanctions;

§ 2 – The warning will be applied for non-compliance with the provisions of this Law and with the legislation in force, or with regulatory norms, without prejudice to the other sanctions foreseen in this article.

§ 3 – The simple fine will be applied whenever the agent, by negligence or fraud:

- I – although warned of irregularities, does not correct them in the period established by the competent SISNAMA agency or by the Port Authorities of the Ministry of the Navy;
- II – hinders monitoring by SISNAMA agencies or by the Port Authorities of the Ministry of the Navy.

§ 4 – The simple fine can be converted into services for the preservation, improvement or recovery of environmental quality.

§ 5 – The daily fine shall be applied whenever the violation persists over time.

§ 6 – Confiscation and the destruction mentioned in the items IV and V of the *chapeau* shall observe that provided for in Article 25 of this Law.

§ 7 – The sanctions mentioned in the items VI through IX of the *chapeau* shall be applied whenever the product, work, activity or establishment does not comply with legal or regulatory provisions.

§ 8 – The sanctions that restrict rights are:

- I – Suspension of the register, license or authorization;
- II – cancellation of the register, license or authorization;
- III – loss or restriction of fiscal incentives and benefits;
- IV – loss or suspension of participation in lines of credit at official financial institutions;
- V – preclusion from entering into contracts with the public administration for a period of up to three years.

Art. 73 The amounts collected from payment of fines due to environmental violations shall revert to the National Environment Fund, created by the Law No. 78,797, dated July 10, 1989, the Naval Fund, created by the Decree No. 20,923, dated January 8, 1932, state or local environment funds, or similar funds, according to that determined by the collection agency.

Art. 74 The fine shall be based on the unit, hectare, cubic meter, kilogram, or other pertinent measure, according to the legal object damaged.

Art. 75 The amount of the fines dealt with in this Chapter, shall be established at the regulation of this Law, and periodically adjusted, based on the indices established in the relevant legislation, where the minimum will be R\$ 50.00 (fifty reais) and the maximum R\$ 50,000,000.00 (fifty million reais).

Art. 76. Payment of fines imposed by state and local governments, the Federal District or Territories substitutes federal fines, if the incidence is the same.

Chapter VII

International Cooperation to Preserve the Environment

Art. 77. Safeguarding national sovereignty, public order, appropriate social customs and habits, the Brazilian Government will provide, with respect to the environment, the necessary cooperation to another country, without costs, when it is requested to:

- I - produce evidence;
- II - examine objects and places;
- III - provide information on people and things;
- IV - ensure temporary presence of arrested person, whose declarations may be relevant to the decision of a cause;
- V - provide other forms of assistance permitted by legislation in force or by treaties to which Brazil is party.

§ 1. The request dealt with in this Article, will be directed to the Ministry of Justice, which will forward it, when necessary, to the competent legal body for decision, or forward it to the authority capable of addressing it.

§ 2. The request should contain:

- I - name and qualification of requesting authority;
- II - object and reason for its formulation;
- III - a summarized description of the procedure underway in the requesting country;
- IV - specification of the requested assistance;
- V - documentation essential for its clarification, when appropriate.

Art. 78 To achieve the objectives contained in this Law and in particular for reciprocity of international cooperation, a communication system should be employed in order to facilitate the rapid and secure exchange of information with bodies from other countries.

Chapter VIII

Final Provisions

Art. 79 Subsidiary to this Law, the provisions of the Penal Code and the Criminal Proceedings Code are to be applied.

Art. 80 The Executive shall regulate this Law within a period of ninety days, from the day of its publication.

Art. 81 (Vetoed)

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

FERNANDO HENRIQUE CARDOSO
Gustavo Krause

Law Nr. 9,605, dated February 12, 1998, published in the *Diário Oficial da União* of Feb. 13, 1998, section 1, p. 1.