



MINISTÉRIO DA JUSTIÇA  
E SEGURANÇA PÚBLICA  
Assessoria Especial Internacional

# TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

## Lei nº 12.651 de 25 de maio de 2012.

Dispõe sobre a proteção da vegetação nativa; altera as Leis nºs 6.938, de 31 de agosto de 1981, 9.393, de 19 de dezembro de 1996, e 11.428, de 22 de dezembro de 2006; revoga as Leis nºs 4.771, de 15 de setembro de 1965, e 7.754, de 14 de abril de 1989, e a Medida Provisória nº 2.166-67, de 24 de agosto de 2001; e dá outras providências.

## VERSÃO EM INGLÊS



## Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução<sup>1</sup>, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



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<sup>1</sup>Traduções não juramentadas ou oficiais.

**DECREE nº 12,651 OF MAY 25th, 2012.**

[Veto message](#)

[\(See ADIN 4937\)](#)

[\(See ADIN 4901\)](#)

Provides for the protection of native vegetation; amends Laws nº 6,938 of August 31<sup>st</sup>, 1981, nº 9,393 of December 19<sup>th</sup>, 1996, and nº 11,428 of December 22<sup>nd</sup>, 2006; repeals Laws nº 4,771 of September 15<sup>th</sup>, 1965, and nº 7,754 of April 14<sup>th</sup>, 1989, and provisional measure nº 2,166-67 of August 24<sup>th</sup>, 2001; and makes other arrangements.

**The PRESIDENT OF BRAZIL** makes known that the National Congress decrees and I sanction the following Law:

CHAPTER I

GENERAL PROVISIONS

Art. 1. (VETOED).

Art. 1-A. This Law establishes general standards on the protection of vegetation, permanent preservation areas, and legal reserve areas; forest exploration, the supply of forest raw material, the control of the origin of forest products and the control and prevention of forest fires, and provides for economic and financial instruments for the achievement of its goals. [\(Included by Law nº 12,727 of 2012\).](#)

Sole paragraph. Aiming at sustainable development, this Law shall meet the following principles: [\(Included by Law nº 12,727 of 2012\).](#)

I - affirmation of Brazil's sovereign commitment to the preservation of its forests and other forms of native vegetation, as well as biodiversity, soil, water resources, and the integrity of the climate system, for the well-being of present and future generations; [\(Included by Law nº 12,727 of 2012\).](#)

II - reaffirmation of the importance of the strategic function of agricultural activity and the role of forests and other forms of native vegetation in sustainability, economic growth, improving the quality of life of the Brazilian population, and the country's presence in the national and international food and bioenergy markets; [\(Included by Law nº 12,727 of 2012\).](#)

III - governmental action for the protection and sustainable use of forests, paying due regard to the country's commitment to the compatibility and harmonization between productive land use and the preservation of water, soil, and vegetation; [\(Included by Law nº 12,727 of 2012\).](#)

IV - joint responsibility of the Union, States, Federal District, and Municipalities, in collaboration with civil society, in the creation of policies for the preservation and restoration of native vegetation and its ecological and social functions in urban and rural areas; [\(Included by Law nº 12,727 of 2012\).](#)

V - promotion of scientific and technological research in the search for innovation for the sustainable use of land and water and the recovery and preservation of forests and other forms of native vegetation; ([Included by Law nº 12,727 of 2012](#)).

VI - creation and mobilization of economic incentives to promote the preservation and recovery of native vegetation and to promote the development of sustainable productive activities. ([Included by Law nº 12,727 of 2012](#)).

Art. 2. The forests in the national territory and the other forms of native vegetation, recognized as useful to the lands they cover, are goods of common interest to all the inhabitants of the country, exercising the property rights with the limitations that the legislation in general and especially this Law establish.

Paragraph 1. In the use and exploitation of vegetation, actions or omissions contrary to the provisions of this Law are considered irregular use of property, applying the summary procedure provided in [item II of article 275 of Law nº 5,869 of January 11<sup>th</sup>, 1973, \(Code of Civil Procedure\)](#), without prejudice to civil liability, under [paragraph 1 of article 14 of Law nº 6.938 of August 31<sup>st</sup>, 1981](#), and administrative, civil, and criminal sanctions.

Paragraph 2. The obligations provided for in this Law have a real estate nature and are transmitted to the successor, of any nature, in the case of transfer of domain or possession of the rural property.

Art. 3. For the purposes of this Law, it is understood as:

I - Legal Amazon: the states of Acre, Pará, Amazonas, Roraima, Rondônia, Amapá, and Mato Grosso and the regions located north of the 13º S parallel, of the states of Tocantins and Goiás, and west of the 44º W Meridian, of the state of Maranhão;

II - Permanent Preservation Area - PPA: protected area, covered or not by native vegetation, with the environmental function of preserving water resources, landscape, geological stability, and biodiversity, facilitating the gene flow of fauna and flora, protecting the soil, and ensuring the well-being of human populations;

III - Legal Reserve: an area located within a rural property or possession, outlined in accordance with article 12, with the function of ensuring the sustainable economic use of the natural resources of the rural property, assisting the conservation and rehabilitation of ecological processes, and promoting the conservation of biodiversity, as well as the shelter and protection of wild fauna and native flora;

IV - consolidated rural area: area of rural property with pre-existing anthropic occupation on July 22<sup>nd</sup>, 2008, with buildings, upgrading, or agriculture, forestry, or livestock activities, admitted, in the latter case, the adoption of the fallow regime;

V - small family rural property or possession: that exploited through the personal work of the family farmer and rural family entrepreneur, including settlements and land reform projects, and that meets the provisions of [article 3 of Law nº 11.326 of July 24<sup>th</sup>, 2006](#);

VI - alternative land use: replacement of native vegetation and successor formations by other land cover, such as agricultural, industrial, power generation and transmission, mining and transportation activities, urban settlements, or other forms of human occupation;

VII - sustainable management: management of natural vegetation to obtain economic, social, and environmental benefits, respecting the mechanisms of ecosystem support object of management, considering, cumulatively or alternatively, the use of multiple wood species or not, multiple flora products and by-products, and the use of other goods and services;

VIII - public utility: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

a) national security and health protection activities;

b) infrastructure works for concessions and public transport services, road system, including those necessary for urban land plots approved by Municipalities, sanitation, ~~waste management~~, energy, telecommunications, broadcasting, ~~facilities necessary for holding state, national, or international sports competitions~~, as well as mining, apart from the extraction of sand, clay, and gravel, in the latter case; [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

c) Civil Defense activities and works;

d) activities that are proven to improve the protection of the environmental functions referred to in item II of this article;

e) other similar activities duly characterized and motivated in their own administrative procedure, when there is no technical and location alternative to the proposed enterprise, defined in an act of the Chief Federal Executive;

IX - social Interest: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

a) the activities essential to protecting the integrity of native vegetation, such as prevention, combat, and control of fire, erosion control, eradication of invaders, and protection of plantations with native species;

b) sustainable agroforestry exploitation practiced on small family rural property or possession or by traditional peoples and communities, provided it does not mischaracterize the existing vegetation cover and does not impair the environmental function of the area;

c) the implementation of public infrastructure for sports, leisure, and educational and cultural outdoor activities in consolidated urban and rural areas, observing the conditions established in this Law;

d) the land regularization of human settlements occupied predominantly by low-income population in consolidated urban areas, observing the conditions established in [Law nº 11,977 of July 7<sup>th</sup>, 2009](#);

e) implementation of facilities necessary to capture and conduct water and treated effluents for projects whose water resources are integral and essential parts of the activity;

f) sand, clay, and gravel research and extraction activities granted by the competent authority;

g) other similar activities duly characterized and motivated in their own administrative procedure, when there is no technical and location alternative to the proposed enterprise, defined in an act of the Chief Federal Executive.

X - occasional or low environmental impact activities:

a) opening of small internal access roads and their bridges when necessary to cross a watercourse, to the access of people and animals to obtain water, or to collect products from sustainable agroforestry management activities;

b) installation of facilities necessary for the collection and conduction of treated water and effluents, provided the grant of the right to use water is proven, when appropriate;

c) implementation of trails for the development of ecotourism;

d) construction of a boat launch ramp and small mooring;

e) construction of housing for family farmers, remnants of quilombola communities and other extractive and traditional populations in rural areas, where the water supply is obtained by the effort of the residents;

f) construction and maintenance of fences on the property;

g) scientific research on environmental resources, in compliance with other requirements provided for in the applicable legislation;

h) collection of non-timber products for subsistence purposes and production of seedlings, such as seeds, chestnuts, and fruits, in compliance with specific legislation on the access to genetic resources;

i) planting of native species that produce fruits, seeds, nuts, and other plant products, provided it does not imply the suppression of existing vegetation or impair the environmental function of the area;

j) agroforestry exploitation and sustainable community and family forest management, including the extraction of non-timber forest products, provided they do not mischaracterize the existing native vegetation cover or impair the environmental function of the area;

k) other actions or similar activities recognized as occasional and of low environmental impact in an act of the National Environment Council (CONAMA in Portuguese) or the State Environment Councils;

XI - (VETOED);

XII - path: savanna phytophysionomy found in hydromorphic soils, usually with the *Mauritia flexuosa* - buriti tree palm, without forming a canopy, in the midst of clusters of shrub-herbaceous species; [\(Wording established by Law nº 12,727 of 2012\)](#).



XIII - mangrove forest: coastal ecosystem that occurs in low lands, subject to the action of tides, formed by recent muddy or sandy areas, to which the natural vegetation known as mangrove is predominantly associated, with fluviomarine influence, typical of loamy soils of estuarine regions, and with discontinuous dispersion along the Brazilian coast, between the states of Amapá and Santa Catarina;

XIV - saline or hypersaline tropical marshes: areas located in regions with intermediate flood frequencies between syzygy and quadrature tides, with soils whose salinity ranges between 100 (one hundred) and 150 (one hundred and fifty) parts per 1,000 (one thousand), where the presence of specific herbaceous vegetation may occur;

XV - apicum: areas of hypersaline soils located in the upper inter-tidal regions, flooded only by the syzygy tides, which have salinity superior to 150 (one hundred and fifty) parts per 1,000 (one thousand), devoid of vascular vegetation;

XVI - sandbank: sandy deposit parallel to the coast line, usually elongated, produced by sedimentation processes, where there are different communities that receive marine influence, with mosaic vegetation cover, found on beaches, sandy cords, dunes, and depressions, presenting, according to the succession stage, herbaceous, shrub, and arboreal stratum, the latter more internalized;

XVII - spring: natural outcrop of the water table that has perennality and begins a watercourse; [\(See ADIN nº 4,903\)](#)

XVIII - waterhole: natural outcrop of the water table, even if intermittent;

XIX - regular bed: the trough through which the waters of the watercourse run regularly during the year; [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

XX - urban green area: spaces, public or private, with a predominance of vegetation, preferably native, natural, or recovered, provided for in the Master Plan, in the Laws of Urban Zoning and land use of the Municipality, unavailable for the construction of housing, intended for recreation, leisure, improvement of urban environmental quality, protection of water resources, maintenance or landscape improvement, protection of goods, and cultural manifestations;

XXI - floodplain: marginal areas to watercourses subject to periodic flooding;

XXII - flood passage range: floodplain area adjacent to watercourses that allows flood runoff;

XXIII - undulating relief: geomorphological expression used to designate an area characterized by movements of the terrain that generate depressions, whose intensity allows its classification as smoothly undulated, undulated, strongly undulated, and mountainous relief.

XXIV - fallow: practice of temporary interruption of agricultural, livestock, or forestry activities or uses, for a maximum of 5 (five) years, to enable the recovery of the capacity of use or the physical structure of the soil; [\(Included by Law nº 12,727 of 2012\)](#).

XXV - wetlands: marshes and land surfaces periodically covered by water, originally covered by forests or other forms of vegetation adapted to flooding; [\(Included by Law nº 12,727 of 2012\)](#).

XXVI - consolidated urban area: that referred to by [item II of the head provision of article 47 of Law nº 11,977 of July 7<sup>th</sup>, 2009](#); and [\(Included by Law nº 12,727 of 2012\)](#).

XXVII - carbon credit: title of right on a transactionable intangible and incorporeal good. [\(Included by Law nº 12,727 of 2012\)](#).

Sole paragraph. For the purposes of this Law, the treatment granted to real estate referred to in item V of this article is extended to rural properties and possessions with up to 4 (four) fiscal modules that develop agriculture, forestry, or livestock activities, as well as to [delimited](#) indigenous lands, and other [certificated](#) areas of traditional peoples and communities that make collective use of their territory. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

## CHAPTER II

### PERMANENT PRESERVATION AREAS

#### Section I

##### Delimitation of Permanent Preservation Areas

Art. 4. For the purpose of this Law, Permanent Preservation Areas, in rural or urban areas, are:

I - the marginal bands of any perennial and intermittent natural watercourse, excluding the ephemeral, from the edge of the regular bed trough, in a minimum width of: [\(Included by Law nº 12,727 of 2012\)](#). [\(See ADIN nº 4,903\)](#)

a) 30 (thirty) metres, for watercourses inferior to 10 (ten) metres wide;

b) 50 (fifty) metres, for watercourses 10 (ten) to 50 (fifty) metres wide;

c) 100 (one hundred) metres, for watercourses between 50 (fifty) and 200 (two hundred) metres wide;

d) 200 (two hundred) metres, for watercourses between 200 (two hundred) and 600 (six hundred) metres wide;

e) 500 (five hundred) metres, for watercourses of a width exceeding 600 (six hundred) metres;

II - the areas surrounding the lakes and natural ponds, in a strip with a minimum width of:

a) 100 (one hundred) metres, in rural areas, except for a body of water up to 20 (twenty) hectares of surface, the marginal range of which shall be 50 (fifty) metres;

b) 30 (thirty) metres in urban areas;



III - the areas around the artificial water reservoirs, resulting from the damming of natural watercourses, in the range defined in the environmental license of the enterprise; [\(Included by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

IV - the areas surrounding the springs and perennial waterholes, whatever their topographic situation, within a minimum radius of 50 (fifty) meters; [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADIN nº 4,903\)](#)

V - the slopes or parts thereof with a slope greater than 45º, equivalent to 100% (one hundred percent) on the highest slope line;

VI - the sandbanks, as dune fixers or mango stabilizers;

VII - the mangroves, in all their extension;

VIII - the edges of the tablelands or plateaus, up to the relief breaking line, in a range not less than 100 (one hundred) meters in horizontal projections;

IX - at the top of hills, mountains, and mountain ranges, with a minimum height of 100 (one hundred) meters and an average slope superior to 25º, the areas delimited from the level curve corresponding to 2/3 (two-thirds) of the minimum height of the elevation always in relation to the base, defined by the horizontal plane determined by adjacent plain or water mirror or, in the wavy reliefs, by the elevation;

X - the areas at an altitude superior to 1,800 (one thousand eight hundred) meters, whatever the vegetation;

XI - in paths, the marginal strip, in horizontal projection, with a minimum width of 50 (fifty) meters, from the permanently boggy and soaked space. [\(Wording established by Law nº 12,727 of 2012\).](#)

Paragraph 1. No Permanent Preservation Area shall be required in the surroundings of artificial water reservoirs that do not result from busing or damming of natural watercourses. [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 2. (Repealed). [\(Wording established by Law nº 12,727 of 2012\).](#)

Paragraph 3. (VETOED).

Paragraph 4. In natural or artificial accumulations of water with a surface of less than 1 (one) hectare, the reserve of the protection range provided for in items II and III of the head provision is waived, prohibited new suppression of native vegetation areas, unless authorized by the competent environmental body of the National Environment System - Sisnama. [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 5. The planting of temporary and seasonal short-cycle runoff crops on the strip of land that is exposed during the period of runoff from rivers or lakes is permitted for the small family rural property or possession, covered by item V of article 3 of this Law, provided it does not imply the

suppression of new native vegetation areas, water quality is preserved, soil is conserved, and wildlife is protected. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 6. In rural real estate with up to 15 (fifteen) fiscal modules, the practice of aquaculture and the physical infrastructure directly associated with it is admitted, covered by items I and II of the head provision of this article, provided: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

I - sustainable practices of soil and water management and water resources are adopted, ensuring their quality and quantity, according to the standard of the State Environmental Councils;

II - they be in accordance with the respective basin plans or water resources management plans;

III - the licensing is conducted by the competent environmental body;

IV - the property is registered in the Rural Environmental Register (CAR in Portuguese).

V - do not imply new suppressions of native vegetation. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 7. (VETOED).

Paragraph 8. (VETOED).

Paragraph 9. (VETOED). [\(Included by Law nº 12,727 of 2012\).](#)

[Art. 5.](#) In the implementation of artificial water reservoir intended for power generation or public supply, the acquisition, expropriation, or institution of administrative easement by the entrepreneur of the Permanent Preservation Areas created in its surroundings is mandatory, as established in the environmental licensing, observing the minimum range of 30 (thirty) meters and maximum of 100 (one hundred) meters in rural areas, and the minimum range of 15 (fifteen) meters and maximum of 30 (thirty) meters in urban areas. [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 1. In the implementation of artificial water reservoirs referred to by the head provision, the entrepreneur shall elaborate an environmental plan for the conservation and use of the surroundings of the reservoir, within the scope of environmental licensing, in accordance with the reference term issued by the competent body of the National Environment System - Sisnama, not exceeding the use of 10% (ten percent) of the total Permanent Preservation Area. [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#)

Paragraph 2. The Environmental Plan of Conservation and Use of the Surroundings of the Artificial Reservoir, for the projects tendered from the validity of this Law, must be presented to the environmental body concomitantly with the Basic Environmental Plan and approved until the beginning of the operation of the project, with its absence not constituting an impediment to the issuance of the installation license. [\(See ADC nº 42\)](#)

Paragraph 3. (VETOED).

Art. 6. Permanent Preservation Areas are also those declared of social interest by an act of the Chief Executive, the areas covered with forests or other forms of vegetation intended for one or more of the following purposes:

I - contain soil erosion and mitigate risks of flooding and rock and landslides;

II - protect the sandbanks or paths;

III - protecting wetlands;

IV - house endangered specimens of fauna or flora;

V - protect sites of exceptional beauty or scientific, cultural, or historical value;

VI - form protective bands along highways and railways;

VII - ensure public welfare conditions;

VIII - assist the defense of the national territory, at the discretion of the military authorities.

IX - protect wetlands, especially those of international importance. [\(Included by Law nº 12,727 of 2012\).](#)

## **Section II**

### **Permanent Preservation Areas Protection Regime**

Art. 7. The vegetation located in a Permanent Preservation Area must be maintained by the owner, possessor, or occupant of the area, in any capacity, individual or legal entity, governed by public or private law.

Paragraph 1. Having occurred suppression of vegetation located in a Permanent Preservation Area, the owner, possessor, or occupant of the area, in any capacity, is obliged to promote the recomposition of the vegetation, subject to the authorized uses provided for in this Law.

Paragraph 2. The obligation referred to in paragraph 1 has a real estate nature and is transmitted to the successor in the case of transfer of domain or possession of the rural property.

Paragraph 3. In the case of unauthorized suppression of vegetation performed after July 22<sup>nd</sup>, 2008, the granting of new authorizations for suppression of vegetation is prohibited as long as the obligations provided for in paragraph 1 are not fulfilled . [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Art. 8. The intervention or suppression of native vegetation in a Permanent Preservation Area shall only occur in the cases of public utility, social interest, or low environmental impact provided for in this Law.

Paragraph 1. The suppression of native vegetation protecting springs, dunes, and sandbanks can only be authorized in case of public utility.

Paragraph 2. The intervention or suppression of native vegetation in a Permanent Preservation Area, covered by items VI and VII of the head provision of article 4 may be exceptionally authorized where the ecological function of the mangrove is compromised, for the execution of housing and urbanization works, inserted in land regularization projects of social interest, in consolidated urban areas occupied by low-income population. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 3. The authorization of the competent environmental body for the execution of national security activities and works in the interest of civil defense aimed at the prevention and mitigation of accidents in urban areas is waived as a matter of urgency.

Paragraph 4. There shall be, in any case, no right to regularization of future interventions or suppression of native vegetation, other than those provided for in this Law.

Art. 9. The access of people and animals to the Permanent Preservation Areas is allowed when seeking to obtain water and conduct activities of low environmental impact.

### CHAPTER III

#### RESTRICTED USE AREAS

Art. 10. Ecologically sustainable exploitation is allowed in the marshes and marshy plains considering the technical recommendations of the official research bodies, with new suppressions of native vegetation for alternative land use conditional on the authorization of the state environment body, based on the recommendations mentioned in this article. [\(Wording established by Law nº 12,727 of 2012\).](#)

Art. 11. In areas of inclination between 25º and 45º, sustainable forest management and the exercise of agriculture, forestry, and livestock activities shall be allowed, as well as the maintenance of the physical infrastructure associated with the development of these activities, observing good agronomic practices, and the conversion of new areas shall be prohibited, except for public utility and social interest. [\(See ADIN nº 4,903\)](#)

#### CHAPTER

III-A

[\(Included by Law nº 12,727 of 2012\).](#)

#### ECOLOGICALLY SUSTAINABLE USE OF APICUM AND SALINE ZONES

Art. 11-A. The Coastal Zone is a national heritage, under the terms of [paragraph 4 of article 225 of the Federal Constitution](#), and its occupation and exploitation must be ecologically sustainable. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 1. The apicum and saline zones can be used for carciniculture and salt farming activities, provided the following requirements are observed: [\(Included by Law nº 12,727 of 2012\).](#)

I - total area occupied in each state not exceeding 10% (ten percent) of this modality of phytophysionomy in the Amazon biome and 35% (thirty-five percent) in the rest of the country, excluding consolidated occupations that meet the provisions of paragraph 6 of this article; [\(Included by Law nº 12,727 of 2012\).](#)

II - safeguarding the absolute integrity of bush mangroves and the essential ecological processes associated with them, as well as their biological productivity and nursery status of fishing resources; [\(Included by Law nº 12,727 of 2012\).](#)

III - licensing of the activity and facilities by the state environmental body, the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA in Portuguese) and, in the case of use of marine land or other Union assets, prior regularization of the title before the Union; [\(Included by Law nº 12,727 of 2012\).](#)

IV - appropriate collection, treatment, and disposal of effluents and waste; [\(Included by Law nº 12,727 of 2012\).](#)

V - guarantee of maintaining the quality of water and soil, respecting the permanent preservation areas; and [\(Included by Law nº 12,727 of 2012\).](#)

VI - respect for the traditional survival activities of local communities. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 2. The environmental license, in the case of this article, shall be of 5 (five) years, renewable only if the entrepreneur complies with the requirements of environmental legislation and the licensing itself, upon annual proof, including by photographic media. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 3. The following new enterprises are subject to the presentation of a Previous Environmental Impact Study (EPIA in Portuguese) and Environmental Impact Report (RIMA in Portuguese): [\(Included by Law nº 12,727 of 2012\).](#)

I - with an area of more than 50 (fifty) hectares, prohibited the fragmentation of the project to hide or camouflage its size; [\(Included by Law nº 12,727 of 2012\).](#)

II - with an area of up to 50 (fifty) hectares, if potentially causing significant environmental degradation; or [\(Included by Law nº 12,727 of 2012\).](#)

III - located in a region with thickening of carciniculture enterprises or salt flats whose impact affects common areas. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 4. The competent licensing body, by reasoned decision, may, without prejudice to the appropriate administrative, civil, and criminal sanctions, as well as the duty to recover the environmental damage caused, change the conditions and the control and adequacy measures, when the following occur: [\(Included by Law nº 12,727 of 2012\).](#)

I - non-compliance or inadequate compliance with the conditions or control measures provided for in the licensing, or disobedience to the applicable rules; [\(Included by Law nº 12,727 of 2012\).](#)

II - providing false, dubious, or misleading information, including by omission, at any stage of the license or period of validity of the license; or [\(Included by Law nº 12,727 of 2012\).](#)

III - supervenience of information on risks to the environment or public health. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 5. The expansion of the occupation of apicum and saline zones shall respect the Ecological-Economic Zoning of the Coastal Zone (ZEEZOC in Portuguese), with the individualization of the areas still amenable to use, in a minimum scale of 1:10,000, which must be completed by each State within a maximum period of 1 (one) year from the date of publication of this Law. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 6. The regularization of the activities and enterprises of carciniculture and saline flats whose occupation and implantation have occurred before July 22<sup>nd</sup>, 2008, is ensured, provided the entrepreneur, individual or legal entity, proves its location in apicum or saline zone and is obliged, by a term of commitment, to protect the integrity of the adjacent bush mangroves. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 7. The maintenance, licensing, or regularization of irregular occupation or exploitation in apicum or saline zones, in any case or form, except for the exceptions provided for in this article, is prohibited. [\(Included by Law nº 12,727 of 2012\).](#)

## CHAPTER IV

### LEGAL RESERVE AREA

#### Section I

#### **Delimitation of the Legal Reserve Area**

Art. 12. All rural property must maintain an area with native vegetation cover, as a Legal Reserve, without prejudice to the application of the standards of Permanent Preservation Areas, observing the following minimum percentages regarding the area of the property, except the cases provided for in article 68 of this Law: [\(Wording established by Law nº 12,727 of 2012\).](#)

I - located in the Legal Amazon:

- a) 80% (eighty percent), in properties located in forest areas;
- b) 35% (thirty-five percent), in properties located in cerrado areas;
- c) 20% (twenty percent), in properties located in the campos gerais areas;

II - located in the other regions of the country: 20% (twenty percent).



Paragraph 1. The area of the rural property before fractioning shall be considered in case of fractionation, in any capacity, including for settlements by the Agrarian Reform Program, for the purposes of the provisions of the head provision.

Paragraph 2. The percentage of Legal Reserve in properties located in the area of forest formations, cerrado, or campos gerais in the Legal Amazon shall be defined separately considering the indices contained in the subitems *a*, *b*, and *c* of item I of the head provision.

Paragraph 3. After the implementation of the CAR, the suppression of new areas of forest or other forms of native vegetation shall only be authorized by the state environmental body of Sisnama if the property is included in the aforementioned register, subject to the provisions of article 30.

Paragraph 4. In the cases of subitem *a* from item I, the public authority may reduce the Legal Reserve to up to 50% (fifty percent), for recomposition purposes, when the municipality has more than 50% (fifty percent) of the area occupied by nature conservation units in the public domain and by approved indigenous lands. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 5. In the cases of subitem *a* from item I, the state public authority, having heard the State Environment Council, may reduce the Legal Reserve to up to 50% (fifty percent), when the state has approved Ecological-Economic Zoning and more than 65% (sixty-five percent) of its territory occupied by public domain nature conservation units, duly regularized, and by approved indigenous lands. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 6. Public water supply and sewage treatment projects are not subject to the constitution of a Legal Reserve. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 7. No Legal Reserve shall be required for the areas acquired or expropriated by the holder of concession, permit, or authorization for exploitation of hydraulic power potential, in which electric power generation enterprises or substations operate, or electric energy transmission and distribution lines are installed. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 8. No Legal Reserve shall be required for areas acquired or expropriated for the purpose of deployment and expansion of highway and railway capacity. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Art. 13. When indicated by the state Ecological-Economic Zoning - EEZ, conducted according to unified methodology, the federal public power may:

I - reduce, by recomposition, the regeneration or compensation of the Legal Reserve of real estate with consolidated rural area, located in forest area located in the Legal Amazon, to up to 50% (fifty percent) of the property, excluding priority areas for conservation of biodiversity and water resources and ecological corridors, exclusively for regularization purposes;

II - expand the areas of Legal Reserve by up to 50% (fifty percent) of the percentages provided for in this Law to meet national goals of biodiversity protection or reduction of greenhouse gas emissions.

Paragraph 1. In the case provided for in item I of the head provision, the owner or possessor of rural property that maintains Legal Reserve conserved and endorsed in an area with percentages superior to those required in said item, he/she may institute environmental easement on the excess area, in accordance with [Law nº 6,938 of August 31<sup>st</sup>, 1981](#), and Environmental Reserve Quota. [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 2. States that do not have their Ecological-Economic Zoning - ZEE according to the unified methodology, established in federal rule, shall have the period of 5 (five) years, from the date of publication of this Law, for its elaboration and approval.

Art. 14. The location of the Legal Reserve Area in the rural property shall consider the following studies and criteria:

I - the watershed plan;

II - the Ecological-Economic Zoning

III - the formation of ecological corridors with another Legal Reserve, with Permanent Preservation Area, with Conservation Unit, or with another legally protected area;

IV - the areas of greatest importance for Biodiversity Conservation; and

V - the areas of greatest environmental fragility.

Paragraph 1. The state body member of Sisnama or institution authorized by it must approve the location of the Legal Reserve after the inclusion of the property in the CAR, according to article 29 of this Law.

Paragraph 2. Once the documentation required for the analysis of the location of the Legal Reserve area has been registered, the rural owner or possessor may not be charged administrative sanction, including restriction of rights, by any competent environmental body member of Sisnama, due to the non-formalization of the Legal Reserve area. [\(Wording established by Law nº 12.727, of 2012\).](#)

Art. 15. The calculation of the Permanent Preservation Areas shall be admitted in the calculation of the percentage of the Legal Reserve of the property, provided: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

I - the benefit referred to in this article does not imply the conversion of new areas to alternative land use;

II - the area to be calculated is conserved or in the process of recovery, as evidenced by the owner to the state body member of Sisnama; and

III - the owner or possessor has requested inclusion of the property in the Rural Environmental Register (CAR) in accordance with this Law.

Paragraph 1. The protection regime of the Permanent Preservation Area is not changed in the case provided for in this article.

Paragraph 2. The owner or possessor of property with Legal Reserve conserved and registered in the Rural Environmental Register (CAR) referred to in article 29, whose area exceeds the minimum required by this Law, may use the excess area for the purposes of establishing environmental easement, environmental reserve quota, and other similar instruments provided for in this Law.

Paragraph 3. The calculation referred to in the head provision applies to all modalities of compliance with the Legal Reserve, including regeneration, recomposition, and compensation. [\(Wording established by Law nº 12,727, of 2012\).](#)

Paragraph 4. The application of item I of the head provision of this article is waived when the Permanent Protection Areas conserved or in the process of recovery, added to the other forests and other forms of native vegetation existing in the property, exceed: [\(Included by Law nº 12,727 of 2012\).](#)

I - 80% (eighty percent) of rural property located in forest areas in the Legal Amazon; and [\(Included by Law nº 12,727 of 2012\).](#)

II - (VETOED). [\(Included by Law nº 12,727 of 2012\).](#)

Art. 16. Legal Reserve may be established in condominium or collective regime between rural properties, respecting the percentage provided for in article 12 in relation to each property. [\(Included by Law nº 12,727 of 2012\).](#)

Sole paragraph. In the parcel of rural real estate, the Legal Reserve Area may be grouped under condominium regime among the purchasers.

## **Section II**

### **Legal Reserve Protection Regime**

Art. 17. The Legal Reserve must be preserved with native vegetation cover by the owner, possessor, or occupier of the rural property, in any title, individual or legal entity, governed by public or private law.

Paragraph 1. The economic exploitation of the Legal Reserve is allowed through sustainable management, previously approved by the competent body of Sisnama, in accordance with the modalities provided for in article 20.

Paragraph 2. For the purposes of Legal Reserve management in small family rural property or possession, the bodies member of Sisnama shall establish simplified procedures for the preparation, analysis, and approval of such management plans.

Paragraph 3. The immediate suspension of activities in illegally deforested Legal Reserve area is mandatory ~~after July 22<sup>nd</sup>, 2008.~~ [\(Wording established by Law nº 12,727 of 2012\).](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#) [\(See ADIN nº 4,903\)](#)

Paragraph 4. Without prejudice to the administrative, civil, and criminal sanctions applicable, in the areas covered by paragraph 3 of this article, the process of recomposition of the Legal Reserve shall begin within 2 (two) years from the date of publication of this Law, and such process shall be completed within the deadlines established by the Environmental Regularization Program (PRA in Portuguese), referred to in article 59. [\(Included by Law nº 12,727 of 2012\).](#)

Art. 18. The Legal Reserve Area must be registered with the competent environmental body through registration in the CAR referred to in article 29. The change in its destination, in cases of transmission, in any capacity, or dismemberment is prohibited, with the exceptions provided for in this Law.

Paragraph 1. The registration of the Legal Reserve in the CAR shall be made by the presentation of a plan and descriptive memorial containing the indication of the geographical coordinates with at least one mooring point, according to an act of the Chief Executive.

Paragraph 2. In possession, the Legal Reserve area is secured by a term of commitment signed by the owner with the competent body of Sisnama, with the force of extrajudicially enforceable instrument, which specifies, at least, the location of the Legal Reserve area and the obligations assumed by the owner by virtue of the provisions of this Law.

Paragraph 3. The transfer of ownership implies the subrogation of the obligations assumed in the term of commitment referred to in paragraph 2.

Paragraph 4. The registration of the Legal Reserve in the CAR does not require the endorsement in the Real Estate Registry Notary. The rural owner or possessor who wishes to make the endorsement shall be entitled to the gratuitousness of this act in the period between the date of publication of this Law and the registration in the CAR. [\(Wording established by Law nº 12.727, of 2012\).](#)

Art. 19. The insertion of the rural property in urban perimeter defined by municipal law does not relieve the owner or possessor of the maintenance of the Legal Reserve area, which shall only be extinguished concomitantly with the registration of the land parcel for urban purposes approved according to specific legislation and according to the guidelines of the master plan referred to in [paragraph 1 of article 182 of the Federal Constitution.](#)

Art. 20. In the sustainable management of forest vegetation of the Legal Reserve, selective exploitation practices shall be adopted in the modalities of sustainable management without commercial purpose for consumption on property and sustainable management for forest exploitation with commercial purpose.

Art. 21. It is free to collect non-timber forest products, such as fruits, vines, leaves, and seeds, observing:

I - the collection periods and volumes fixed in specific regulations, where applicable;

II - the ripening season of fruits and seeds;

III - techniques that do not endanger the survival of individuals and the species collected in the case of collection of flowers, leaves, bark, oils, resins, vines, bulbs, bamboos, and roots.

Art. 22. The sustainable forest management of the vegetation of the Legal Reserve with commercial purpose depends on authorization of the competent body and must meet the following guidelines:

I - not mischaracterize the vegetation cover and not harm the conservation of the native vegetation of the area;

II - ensure the maintenance of species diversity;

III - conduct the management of exotic species with the adoption of measures that favor the regeneration of native species.

Art. 23. The sustainable management for possible forest exploitation without commercial purpose, for consumption on the property, is independent of authorization from the competent bodies. Only the motivation of the exploitation and the volume exploited must be declared in advance to the environmental body, limited to the annual exploitation of 20 (twenty) cubic meters.

Art. 24. The provisions of articles 21, 22, and 23 apply to the forest management in areas outside a Legal Reserve.

### **Section III**

#### **Regime for the Protection of Urban Green Areas**

Art. 25. The municipal public authority shall count, for the establishment of urban green areas, with the following instruments:

I - the exercise of the right of preemption for the acquisition of relevant forest remnants, as provided by [Law nº 10,257 of July 10<sup>th</sup>, 2001](#);

II - the transformation of Legal Reserves into green areas in urban expansions;

III - the establishment of a requirement for green areas in allotments, commercial developments, and the implementation of infrastructure; and

IV - application of resources derived from environmental compensation in green areas.

### **CHAPTER V**

#### **VEGETATION SUPPRESSION FOR ALTERNATIVE LAND USE**

Art. 26. The suppression of native vegetation for alternative land use, both of public and private domain, shall depend on the registration of the property in the CAR, referred to in article 29, and prior authorization of the competent state body of Sisnama.

Paragraph 1. (VETOED).

Paragraph 2. (VETOED).

Paragraph 3. In the case of forest replacement, projects that contemplate the use of native species of the same biome where the suppression occurred should be prioritized.

Paragraph 4. The application for suppression authorization referred to in the head provision shall contain, at least, the following information:

I - the location of the property, the Permanent Preservation Areas, the Legal Reserve, and the restricted use areas, by geographical coordinate, with at least one mooring point of the perimeter of the property;

II - forest replacement or compensation, in accordance with paragraph 4 of article 33;

III - the effective and sustainable use of areas already converted;

IV - the alternative use of the area to be deforested.

Art. 27. In areas subject to alternative land use, the suppression of vegetation that houses endangered species of flora or fauna, according to official list published by federal or state or municipal agencies of Sisnama, or migratory species, shall depend on the adoption of compensatory and mitigating measures that ensure the conservation of the species.

Art. 28. The conversion of native vegetation for alternative land use in rural property that has an abandoned area is prohibited. [\(See ADIN nº 4,901\)](#)

## CHAPTER VI

### RURAL ENVIRONMENTAL REGISTER

Art. 29. The Rural Environmental Registry (CAR) is created within the framework of the National environmental Information System (SINIMA in Portuguese), electronic public registry of national scope, mandatory for all rural properties, to integrate the environmental information of rural properties and possessions, composing a database for control, monitoring, environmental and economic planning, and combating deforestation.

Paragraph 1. The registration of the rural property in the CAR must be preferably made in the municipal or state environmental body, which, according to the regulation, shall require the rural owner or possessor: [\(Wording established by Law nº 12.727, of 2012\).](#)

I - identification of the rural owner or possessor;

II - proof of ownership or possession;

III - identification of the property by means of blueprint and descriptive memorial, containing the indication of the geographical coordinates with at least one mooring point of the perimeter of the property, informing the location of the remnants of native vegetation, the Permanent Preservation Areas, the restricted use areas, the consolidated areas and, if any, the location of the Legal Reserve.



Paragraph 2. The registration shall not be considered a title for the purposes of recognition of the right of ownership or possession, nor does it eliminate the need to comply with the provisions of [article 2 of Law nº 10,267 of August 28<sup>th</sup>, 2001](#).

Paragraph 3. The registration in the CAR is mandatory and for an indefinite period for all rural properties and possessions. [\(Wording established by Law nº 13,887 of 2019\)](#)

Paragraph 4. The owners and possessors of rural properties that register them in the CAR until December 31<sup>st</sup>, 2020, shall be entitled to membership in the Environmental Regularization Program (PRA), referred to in article 59 of this Law. [\(Included by Law nº 13,887 of 2019\)](#)

Art. 30. In cases where the Legal Reserve has already been endorsed on the property registration and where this endorsement identifies the perimeter and location of the reserve, the owner shall not be required to provide the environmental body with the information regarding the Legal Reserve provided for in item III of paragraph 1 of article 29.

Sole paragraph. For the owner to comply with the terms of the head provision, he/she must present to the competent environmental body the certificate of registration of real estate containing the endorsement of the Legal Reserve or commitment term already signed in the cases of possession.

## CHAPTER VII

### FOREST EXPLOITATION

Art. 31. The exploitation of native forests and successor formations, of public or private domain, except the cases provided for in articles 21, 23, and 24, shall depend on licensing by the competent body of Sisnama, upon prior approval of a Sustainable Forest Management Plan (PMFS in Portuguese) that includes techniques of conducting, exploitation, forest replacement, and management compatible with the varied ecosystems that the tree cover forms.

Paragraph 1. The PMFS shall meet the following technical and scientific grounds:

- I - characterization of the physical and biological media;
- II - determination of existing stock;
- III - intensity of exploitation compatible with the environmental support capacity of the forest;
- IV - cutting cycle compatible with the time of restoration of the volume of product extracted from the forest;
- V - promotion of natural forest regeneration;
- VI - adoption of an appropriate forestry system;
- VII - adoption of an appropriate exploitation system;

VIII - monitoring the development of the remaining forest;

IX - adoption of mitigating measures of environmental and social impacts.

Paragraph 2. The approval of the PMFS by the competent Sisnama body confers on its holder the environmental license for the practice of sustainable forest management, not applying other environmental licensing steps.

Paragraph 3. The holder of the PMFS shall forward an annual report to the competent environmental body with information on the entire area of sustainable forest management and a description of the activities conducted.

Paragraph 4. The PMFS shall be submitted to technical surveys to supervise the operations and activities developed in the management area.

Paragraph 5. In compliance with the provisions of this article, differentiated provisions on PMFS on a corporate, small-scale, and community scale shall be established by an act of the Chief Executive.

Paragraph 6. For the purposes of forest management in small family rural property or possession, Sisnama bodies shall establish simplified procedures for the preparation, analysis, and approval of said PMFS.

Paragraph 7. The federal environment agency shall approve PMFS incidents in public forests of Union domain.

Art. 32. The following are waived from presenting a PMFS:

I - the suppression of forests and successor formations for alternative land use;

II - the management and exploitation of planted forests located outside the Permanent Preservation Areas and Legal Reserve;

III - non-commercial forest exploitation conducted on the rural properties referred to in item V of article 3 or by traditional populations.

Art. 33. Individuals or legal entities who use forest raw material in their activities must provide themselves with resources from:

I - planted forests;

II - native forest PMFS approved by the competent Sisnama body;

III - suppression of native vegetation authorized by the competent Sisnama body;

IV - other forms of forest biomass defined by the competent Sisnama body.

Paragraph 1. Individuals or legal entities who use forest raw material from the suppression of native vegetation or who hold authorization for the suppression of native vegetation are obliged to perform forest replacement.

Paragraph 2. Are exempt from the obligation of forest replacement those who use:

I - slabs, shavings, chips, or other waste from industrial activity

II - forest raw material:

a) derived from PMFS;

b) derived from planted forest;

c) non-timber.

Paragraph 3. The exemption from the obligation of forest replacement does not exempt the interested party from proving the origin of the forest resource used before the competent authority.

Paragraph 4. The forest replacement shall be effected in the state of origin of the raw material used, by planting preferably native species, as determined by the competent body of Sisnama.

Art. 34. Industrial companies that use a large amount of forest raw material are required to elaborate and implement a Sustainable Supply Plan (PSS in Portuguese) to be submitted for the approval of the competent body of Sisnama.

Paragraph 1. The PSS shall ensure production equivalent to the consumption of forest raw material by industrial activity.

Paragraph 2. The PSS shall include, at least:

I - forest raw material supply schedule

II - indication of the georeferenced areas of origin of the forest raw material;

III - copy of the contract between the parties involved, when the PSS includes supply of forest raw material from lands belonging to third parties.

Paragraph 3. The supply through raw material on offer in the market is allowed:

I - in the initial stage of installation of the industrial activity, under the conditions and during the period, not exceeding 10 (ten) years, provided for in the PSS, except the supply contracts mentioned in item III of paragraph 2;

II - in the case of the acquisition of products from the planting of exotic forests, licensed by the competent Sisnama body, the supply shall be proven later by means of an annual report stating the location of the forest and the quantities produced.

Paragraph 4. The PSS of steel, metallurgical, or other companies that consume large quantities of charcoal or firewood shall establish the exclusive use of raw material from planted forests or PMFS and shall be an integral part of the environmental licensing process of the enterprise.

Paragraph 5. An act of the Chief Executive shall establish the parameters of use of forest raw material for the purposes of framing industrial companies in the provisions of the head provision.

## CHAPTER VIII

### CONTROL OF THE ORIGIN OF FOREST PRODUCTS

Art. 35. The control of the origin of wood, coal, and other forest products or by-products shall include a national system that integrates the data of the different federal bodies, coordinated, supervised, and regulated by the competent federal body of Sisnama. [\(Wording established by Law nº 12.727, of 2012\).](#)

Paragraph 1. Planting or reforestation with native or exotic forest species is independent of prior authorization, provided the limitations and conditions provided for in this Law are observed, and must be informed to the competent body, within a period of up to 1 (one) year, for the purposes of origin control.

Paragraph 2. The extraction of firewood and other forest products planted in areas not considered Permanent Preservation Areas and Legal Reserve is free.

Paragraph 3. The cutting or exploitation of native species planted in an area of alternative land use shall be allowed regardless of prior authorization, and the planting or reforestation must be previously registered with the competent environmental body and the exploitation must be previously declared in it for the purposes of origin control.

Paragraph 4. The data of the system referred to in the head provision shall be made available for public access through the worldwide computer network. The federal coordinating body of the system shall provide the computer programs to be used and define the deadline for data integration and the information that must be contributed to the national system.

Paragraph 5. The federal coordinating body of the national system may block the issuance of Documents of Forest Origin (DOF in Portuguese) of federal entities not integrated into the system and monitor the respective data and reports. [\(Included by Law nº 12,727 of 2012\).](#)

Art. 36. The transport, by any means, and storage of wood, firewood, coal, and other forest products or by-products from native species forests, for commercial or industrial purposes, require a license from the competent body of Sisnama, subject to the provisions of article 35.

Paragraph 1. The license provided for in the head provision shall be formalized through the issuance of the DOF, which must accompany the material until the final processing.

Paragraph 2. For the issuance of the DOF, the individual or legal entity responsible must be registered in the Federal Technical Register of Potentially Polluting Activities or Users of Environmental Resources, provided for in [article 17 of Law nº 6,938 of August 31, 1981.](#)

Paragraph 3. Anyone who receives or acquires, for commercial or industrial purposes, wood, firewood, coal, and other products or by-products of native species forests is obliged to require the presentation of the DOF and have the path that must accompany the material until the final processing.

Paragraph 4. The DOF shall include the specification of the material, its volume, and the data on its origin and destination.

Paragraph 5. The federal environmental body of Sisnama shall regulate cases of exemption from the license provided for in the head provision . [\(Included by Law nº 12,727 of 2012\).](#)

Art. 37. Trade in live plants and other products derived from native flora shall depend on the license of the competent state body of Sisnama and registration in the Federal Technical Register of Potentially Polluting Activities or Users of Environmental Resources, provided for in the [art. 17 of Law nº 6,938 of August 31<sup>st</sup>, 1981](#), without prejudice to other applicable requirements.

Sole paragraph. The export of live plants and other products of the flora shall depend on the license of the competent federal body of Sisnama, subject to the conditions established in the head provision .

## CHAPTER IX

### PROHIBITION OF THE USE OF FIRE AND FIRE CONTROL

Art. 38. It is prohibited to use fire in vegetation, except in the following situations:

I - in places or regions whose peculiarities justify the use of fire in agriculture, livestock, or forestry practices, upon prior approval of the competent state environmental body of Sisnama, for each rural property or regionalized, which shall establish the criteria for monitoring and control;

II - use of controlled burning in Conservation Units, in accordance with the respective management plan and upon prior approval of the management body of the Conservation Unit, aiming at the conservation management of native vegetation, whose ecological characteristics are evolutionarily associated with the occurrence of fire;

III - scientific research activities linked to a research project duly approved by the competent bodies and conducted by a recognized research institution, upon prior approval of the competent environmental body of Sisnama.

Paragraph 1. In the situation provided for in item I, the competent state environmental body of Sisnama shall require that the studies requested for the licensing of rural activity contain specific planning on the use of fire and fire control.

Paragraph 2. The prohibition referred to in the had provision, the practices of fire prevention and fighting and subsistence agriculture exercised by traditional and indigenous populations are waived from the prohibition.

Paragraph 3. In determining the liability for the irregular use of fire on public or private lands, the competent authority for supervision and assessment must prove the causal link between the action of the owner or any person in charge and the damage effectively caused.

Paragraph 4. It is necessary to establish causal link in the verification of liability for infringement by the irregular use of fire on public or private lands.

Art. 39. Sisnama's environmental bodies, as well as any public or private body responsible for the management of areas with native vegetation or forest plantations, shall elaborate, update, and implement contingency plans for fighting forest fires.

Art. 40. The Federal Government shall establish a National Policy for the Management and Control of Fires, Prevention and Combat of Forest Fires, which promotes institutional articulation with a view to replacing the use of fire in rural areas, fire control, and prevention and fight against forest fires and fire management in protected natural areas.

Paragraph 1. The policy referred to in this article shall provide instruments for the analysis of the impacts of fires on climate change and changes in land use, ecosystem conservation, public health, and fauna to subsidize strategic plans for forest fire prevention.

Paragraph 2. The policy referred to in this article shall observe climate change scenarios and potential increases in the risk of forest fires.

## CHAPTER X

### PROGRAM TO SUPPORT AND ENCOURAGE ENVIRONMENTAL PRESERVATION AND RECOVERY

Art. 41. The Federal Executive Branch is authorized to institute, without prejudice to the compliance with environmental legislation, a support and incentive program for environmental conservation, and adopt technologies and good practices that reconcile agricultural and forestry productivity, with the reduction of environmental impacts, as a form of promotion of ecologically sustainable development, always observing the criteria of progressivity, covering the following categories: [\(Wording established by Law nº 12.727, of 2012\).](#)

I - payment or incentive to environmental services as remuneration, monetary or not, to the activities of conservation and improvement of ecosystems and that generate environmental services, such as, in isolation or cumulatively:

- a) the sequestration, conservation, maintenance and increase of stock, and decrease of carbon flow;
- b) the conservation of natural scenic beauty;
- c) biodiversity conservation;
- d) the conservation of water and water services;
- e) climate regulation;



f) cultural and traditional ecosystem knowledge appreciation;

g) soil conservation and improvement;

h) the maintenance of Permanent Preservation Areas, Legal Reserve, and restricted use areas;

II - compensation for environmental conservation measures necessary for the fulfillment of the objectives of this Law, using the following instruments, among others:

a) obtaining agricultural credit, in all its forms, with lower interest rates, as well as limits and deadlines higher than those practiced on the market;

b) contracting agricultural insurance under better conditions than those practiced on the market;

c) deduction of Permanent Preservation Areas, Legal Reserve, and restricted use areas of the basis for calculating the Rural Territorial Property Tax (ITR in Portuguese), generating tax credits;

d) allocation of part of the resources collected from the collection for the use of water, in the form of [Law nº 9,433 of January 8<sup>th</sup>, 1997](#), for the maintenance, recovery, or recomposition of Permanent Preservation Areas, Legal Reserve, and restricted use areas in the revenue generation;

e) funding to meet initiatives of voluntary preservation of native vegetation, protection of endangered native flora species, sustainable forest and agriculture management conducted on rural property or possession, or recovery of degraded areas;

f) tax exemption for the main inputs and equipment, such as: wire, treated wood poles, water pumps, soil drilling auger, among others used for the recovery and maintenance processes of Permanent Preservation Areas, Legal Reserve, and restricted use areas;

III - incentives for commercialization, innovation, and acceleration of recovery, conservation, and sustainable use of forests and other forms of native vegetation, such as:

a) preferential participation in programs to support the marketing of agricultural production;

b) allocation of resources for scientific and technological research and rural extension related to the improvement of environmental quality.

Paragraph 1. To finance the activities necessary for the environmental regularization of rural properties, the program may provide:

I - allocation of resources for scientific and technological research and rural extension related to the improvement of environmental quality;

II - deduction from the basis for calculating the income tax of the owner or possessor of rural property, individual or legal entity, of part of the expenses made with the recomposition of the Permanent Preservation Areas, Legal Reserve, and restricted use areas whose deforestation was before July 22<sup>nd</sup>, 2008;

III - use of public funds to grant repayable and non-repayable credits intended for the compensation, recovery, or recomposition of Permanent Preservation Areas, Legal Reserve, and restricted use areas whose deforestation was before July 22<sup>nd</sup>, 2008.

Paragraph 2. The program referred to in the head provision may also establish tax differentiation for companies that industrialize or commercialize products originating from rural properties or possessions that comply with the standards and limits established in articles 4, 6, 11, and 12 of this Law, or who are in the process of complying with them.

Paragraph 3. The owners or possessors of rural real estate registered in the CAR, defaulting regarding the fulfillment of the term of commitment or PRA or who are subject to sanctions for violations of the provisions of this Law, except those suspended by virtue of the provisions of Chapter XIII, are not eligible for the incentives referred to in subitems *a* to *e* of item II of the head provision of this article until such sanctions are extinguished.

Paragraph 4. The activities of maintaining the Permanent Preservation Areas, Legal Reserve, and restricted use areas are eligible for any payments or incentives for environmental services, configuring additionality for purposes of national and international markets of certified greenhouse gas emission reductions.

Paragraph 5. The program on environmental services referred to in item I of the head provision of this article shall integrate the systems at national and state levels, aiming at the creation of a market for environmental services.

Paragraph 6. The owners located in the buffer zones of Integral Protection Conservation Units are eligible to receive technical-financial support from the compensation referred to in [article 36 of Law nº 9,985 of July 18<sup>th</sup>, 2000](#), for the purpose of recovery and maintenance of priority areas for the management of the unit.

Paragraph 7. The payment or incentive for environmental services referred to in item I of this article shall be primarily intended for family farmers as defined in item V of article 3 of this Law. [\(Included by Law nº 12,727 of 2012\).](#)

Art. 42. The Federal Government shall implement a program for converting the fine referred to in [article 50 of Decree nº 6,514 of July 22<sup>nd</sup>, 2008](#), intended for rural real estate, regarding assessments linked to deforestation in areas where suppression was not prohibited, which were promoted without authorization or license, on a date prior to July 22<sup>nd</sup>, 2008. [\(Included by Law nº 12,727 of 2012\).](#)

Art. 43. (VETOED).

Art. 44. The Environmental Reserve Quota (CRA) is instituted, a nominative title representing an area with native vegetation, existing or in the process of recovery: [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#)

I - under environmental easement regime, instituted in the form of [article 9-A of Law nº 6,938 of August 31<sup>st</sup>, 1981](#);

II - corresponding to the area of Legal Reserve voluntarily established on vegetation that exceeds the percentages required in article 12 of this Law;

III - protected in the form of a Private Natural Heritage Reserve (RPPN), under the terms of [article 21 of Law nº 9,985 of July 18<sup>th</sup>, 2000](#);

IV - existing in rural property located inside a public domain Conservation Unit that has not yet been expropriated.

Paragraph 1. The issuance of CRA shall be made upon request of the owner, after inclusion of the property in the CAR and evidentiary report issued by the environmental body itself or by an accredited entity, assuring the control of the competent federal body of Sisnama, in the form of an act of the Chief Executive.

Paragraph 2. The CRA cannot be issued based on native vegetation located in the area of RPPN instituted in overlap with the Legal Reserve of the property.

Paragraph 3. The Forest Reserve Quota (CRF) issued under the terms of [article 44-B of Law nº 4,771 of September 15<sup>th</sup>, 1965](#), is now considered, by the effect of this Law, as an Environmental Reserve Quota.

Paragraph 4. A CRA of native vegetation that integrates the Legal Reserve of real estate referred to in item V of article 3 of this Law may be instituted.

Art. 45. The CRA shall be issued by the competent body of Sisnama in favor of the owner of property included in the CAR that maintains an area under the conditions provided for in article 44.

Paragraph 1. The owner interested in the issuance of the CRA must submit to the body referred to in the head provision a proposal accompanied by:

I - an updated certificate of the property registration issued by the competent real estate registry;

II - the identification document of the owner, when an individual;

III - the act of designation of responsible, when a legal entity;

IV - a negative certificate of debts of the Rural Territorial Property Tax (ITR);

V - a descriptive memorial of the property, with the indication of the area to be linked to the title, containing at least one georeferenced mooring point relative to the perimeter of the property and one georeferenced mooring point relative to the Legal Reserve.

Paragraph 2. Once the proposal is approved, the body referred to in the head provision shall issue the corresponding CRA, identifying:

I - the CRA number in the unified control system;

II - the name of the rural owner of the area linked to the title;

III - the size and exact location of the area linked to the title, with descriptive memorial containing at least one georeferenced mooring point;

IV - the biome corresponding to the area linked to the title;

V - the classification of the area in one of the conditions provided for in article 46.

Paragraph 3. The area link to the CRA shall be endorsed on the registration of the respective property in the competent real estate registry.

Paragraph 4. The federal body referred to in head provision may delegate to the competent state body assignments for the issuance, cancellation, and transfer of the CRA, ensuring the implementation of the unified control system.

Art. 46. Each CRA shall correspond to 1 (one) hectare:

I - of an area with primary native vegetation or with secondary vegetation at any stage of regeneration or recomposition;

II - recomposition areas by reforestation with native species.

Paragraph 1. The succession stage or the time of recomposition or regeneration of native vegetation shall be evaluated by the competent state environmental body based on the owner's statement and field survey.

Paragraph 2. The CRA may not be issued by the competent environmental body when the regeneration or recomposition of the area is unlikely or unfeasible.

Art. 47. It is mandatory to register the CRA by the issuing body, within 30 (thirty) days, counted from the date of its issuance, in National Commodity Exchanges or in registration and financial settlement of assets systems authorized by the Central Bank of Brazil.

Art. 48. The CRA may be transferred, with cost or free of charge, to the individual or legal entity, governed by public or private law, by a term signed by the holder of the CRA and the acquirer.

Paragraph 1. The transfer of the CRA only takes effect once the term provided for in the head provision has been registered in the unified control system.

Paragraph 2. The CRA can only be used to compensate Legal Reserve of rural property situated in the same biome of the area to which the title is linked. [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 3. The CRA can only be used for purposes of compensation of Legal Reserve if the requirements established in paragraph 6 of article 66 are respected.

Paragraph 4. The use of CRA for the compensation of Legal Reserve shall be indicated on the registration of the property in which the area linked to the title is located and that of the property receiving the compensation.

Art. 49. The owner of the rural property in which the area linked to the CRA is located is fully responsible for maintaining the conservation conditions of the native vegetation of the area that gave rise to the title.

Paragraph 1. The area linked to the issuance of the CRA based on items I, II, and III of article 44 of this Law may be used according to PMFS.

Paragraph 2. The anticipated inheritance or causa mortis transmission of the property does not eliminate or alter the link of the area contained in the property to the CRA.

Art. 50. The CRA can only be cancelled in the following cases:

I - at the request of the rural owner, in case of withdrawal from maintaining areas under the conditions provided for in items I and II of article 44;

II - automatically, due to the termination of the term of environmental easement;

III - by decision of the competent body of Sisnama, in the case of degradation of the native vegetation of the area linked to the CRA whose costs and time of environmental recovery make it impossible to continue the link between the area and the title.

Paragraph 1. The cancellation of the CRA used for purposes of Legal Reserve compensation can only be effected if Legal Reserve is assured for the property on which the compensation was applied.

Paragraph 2. The cancellation of the CRA pursuant to item III of the head provision is independent of the application of the appropriate administrative and criminal sanctions arising from infringement of environmental legislation, under the terms of [Law nº 9,605 of February 12<sup>th</sup>, 1998](#).

Paragraph 3. The cancellation of the CRA must be indicated on the registration of the property in which the area linked to the title is located and the property in which the compensation was applied.

## CHAPTER XI

### DEFORESTATION CONTROL

Art. 51. The competent environmental body, upon becoming aware of the deforestation in disagreement with the provisions of this Law, shall embargo the work or activity that gave cause to the alternative land use as an administrative measure aimed at preventing the continuity of environmental damage, propitiate the regeneration of the environment, and allow the recovery of the degraded area.

Paragraph 1. The embargo is restricted to the places where the illegal deforestation effectively occurred, not reaching the subsistence activities or other activities conducted in the property not related to the infringement.

Paragraph 2. The liable environmental body shall make publicly available the information about the embargoed property, including through the worldwide computer network, safeguarding the data protected by specific legislation, characterizing the exact location of the embargoed area, and informing at what stage is the respective administrative procedure.

Paragraph 3. At the request of the interested party, the responsible environmental body shall issue a certificate stating the activity, the work, and the area of the property that are the objects of the embargo, as the case may be.

## CHAPTER XII

### FAMILY FARMING

Art. 52. The intervention and suppression of vegetation in Permanent Preservation Areas and Legal Reserve for any activities or of low environmental impact provided for in item X of article 3, apart from subitems *b* and *g*, when developed in the properties referred to in item V of article 3, shall depend on a simple declaration to the competent environmental body, provided the property is duly registered in the CAR.

Art. 53. For the registration of the Legal Reserve in the CAR, in the properties referred to in item V of article 3, the owner or possessor shall present the data identifying the proposed Legal Reserve area, and the competent bodies members of Sisnama, or institution authorized by it, shall capture the respective geographical coordinates.

Sole paragraph. The registration of the Legal Reserve in the properties referred to in item V of article 3 is free, and the public authority must provide technical and legal support.

Art. 54. Planting of fruit, ornamental, or industrial trees, composed of exotic species, cultivated in interim system or in consortium with native species of the region in an agroforestry systems may be calculated to comply with the maintenance of the Legal Reserve area in the real estate referred to in item V of article 3.

Sole paragraph. The state public authority shall provide technical support for the recomposition of the vegetation of the Legal Reserve in the real estate referred to in item V of article 3.

Art. 55. The registration in the CAR of the properties referred to in item V of article 3 shall observe simplified procedure in which only the presentation of the documents mentioned in items I and II of paragraph 1 of article 29 and the sketch indicating the perimeter of the property, the Permanent Preservation Areas, and the remnants that form the Legal Reserve shall be mandatory.

Art. 56. The environmental licensing of commercial PMFS in the real estate referred to in item 5 of article 3 shall benefit from a simplified environmental licensing procedure.

Paragraph 1. The sustainable management of the Legal Reserve for possible forest exploitation, without direct or indirect commercial purpose, for consumption in the property referred to in item 5 of article 3, is independent of authorization from the competent environmental bodies, limited to the annual withdrawal of woody material to 2 (two) cubic meters per hectare.

Paragraph 2. The management provided for in paragraph 1 cannot compromise more than 15% (fifteen percent) of the biomass of the Legal Reserve nor be superior to 15 (fifteen) cubic meters of firewood for domestic and energy use, per rural property or possession, per year.

Paragraph 3. For the purposes of this Law, occasional management, without commercial purpose, is the supply of firewood or sawn wood, for use in the property intended for improvements and energy use in rural properties and possessions, in an amount not exceeding that stipulated in paragraph 1 of this article.

Paragraph 4. The limits for use provided for in paragraph 1 of this article in the case of collective possession of traditional populations or family farming shall be adopted per family unit.

Paragraph 5. The properties referred to in item V of article 3 are exempt from forest replacement if the forest raw material is used for own consumption.

Art. 57. In the properties referred to in item V of article 3, the sustainable logging forest management of the Legal Reserve with direct or indirect commercial purpose depends on a simplified authorization of the competent environmental body, and the interested party must present, at least, the following information:

I - data of the rural owner or possessor;

II - data of the rural property or possession, including copy of the registration of the property in the General Registry of the Real Estate Registry Notary or proof of possession;

III - sketch of the area of the property with indication of the area to be subject to selective management, estimation of the volume of forest products and by-products to be obtained with selective management, indication of their destination, and planned execution schedule.

Art. 58. Having ensured the control and supervision of the competent environmental bodies of the respective plans or projects, as well as the obligations of the owner of the property, the public authority may institute a technical support and financial incentive program, and include inductive measures and financing to primarily service the properties referred to in item V of the head provision of article 3, in the following initiatives: [\(Wording established by Law nº 12.727, of 2012\)](#).

I - voluntary preservation of native vegetation above the limits established in article 12;

II - protection of native flora endangered species;

III - implementation of agroforestry and agriculture, forestry, and livestock systems;

IV - environmental recovery of Permanent Preservation Areas and Legal Reserve;

V - recovery of degraded areas;

VI - promotion of technical assistance for environmental regularization and recovery of degraded areas;

VII - production of seedlings and seeds;

VIII - payment for environmental services.

## CHAPTER XIII

### TRANSITIONAL PROVISIONS

#### Section I

#### GENERAL PROVISIONS

Art. 59. The Union, the States, and the Federal District shall implement Environmental Regularization Programs (PRAs) of rural properties and possessions to adapt them to the terms of this Chapter. [\(Wording established by Law 13,887 of 2019\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 1. In the regulation of the PRAs, the Union shall establish general standards, and the States and the Federal District shall be responsible for their detailing through the edition of specific standards due to their territorial, climatic, historical, cultural, economic, and social specificities, as prescribed by [article 24 of the Federal Constitution](#). [\(Wording established by Law 13,887 of 2019\)](#)

Paragraph 2. The registration of the rural property in the CAR is a mandatory condition for adhering to the PRA, which must be required within 2 (two) years, subject to the provisions of paragraph 4 of article 29 of this Law. [\(Wording established by Law 13,887 of 2019\)](#)

Paragraph 3. Based on the application to adhere to the PRA, the competent body member of Sisnama shall summon the owner or possessor to sign the term of commitment, which shall constitute an extrajudicially enforceable instrument.

Paragraph 4. In the period between the publication of this Law and the implementation of the PRA in each state and in the Federal District, as well as after the adhesion of the interested party to the PRA and while the term of commitment is being fulfilled, the owner or possessor may not be prosecuted for infringements committed before July 22<sup>nd</sup>, 2008, regarding the irregular suppression of vegetation in Permanent Preservation Areas, Legal Reserve, and restricted use areas. [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 5. From the date of signature of the term of commitment the sanctions in case of infringements referred to in paragraph 4 of this article shall be suspended and, subject to the obligations laid down in the PRA, or in the term of commitment to the environmental regulations of the provisions of this Law, within the time limits and under the conditions contained therein, the penalties as referred to in this article shall be considered converted into services for the preservation, enhancement, and restoration of the environmental quality, normalizing the use of the rural areas consolidated as defined in the PRA. [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 6. (VETOED). [\(Included by Law nº 12,727 of 2012\)](#).



Paragraph 7. If the States and the Federal District do not implement the PRA until December 31<sup>st</sup>, 2020, the owner or possessor of rural property may adhere to the PRA implemented by the Union, subject to the provisions of paragraph 2 of this article. [\(Included by Law 13,887 of 2019\)](#)

Art. 60. The signing of a term of commitment for the regularization of a rural property or possession before the competent environmental body, mentioned in article 59, shall suspend the punishment of the crimes provided for in [articles 38, 39](#), and [48 of Law nº 9,605 of February 12<sup>th</sup>, 1998](#), provided the term is being fulfilled. [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 1. The statute of limitations shall be interrupted during the period of suspension of the punitive claim. [\(See ADIN nº 4,937\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 2. The punishment is extinguished with the effective regularization provided for in this Law.

## Section II

### Consolidated Areas in Legal Permanent Preservation Areas

Art. 61. (VETOED).

Art. 61-A. The continuity of agriculture, forestry, and livestock activities, ecotourism, and rural tourism is authorized exclusively in consolidated rural in Permanent Preservation Areas until July 22<sup>nd</sup>, 2008. [\(Included by Law nº 12,727 of 2012\)](#). [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 1. For rural properties with an area of up to 1 (one) fiscal module that have consolidated areas in Permanent Preservation Areas along natural waterways, it shall be mandatory to recompose the respective marginal strips in 5 (five) meters, counted from the edge of the trough of the regular bed, regardless of the width of the watercourse. [\(Included by Law nº 12,727 of 2012\)](#).

Paragraph 2. For rural properties with an area superior to 1 (one) fiscal module and up to 2 (two) fiscal modules that have consolidated areas in Permanent Preservation Areas along natural watercourses, it shall be mandatory to recompose the respective marginal strips in 8 (eight) meters, counted from the edge of the trough of the regular bed, regardless of the width of the watercourse. [\(Included by Law nº 12,727 of 2012\)](#).

Paragraph 3. For rural properties with an area superior to 2 (one) fiscal module and up to 4 (two) fiscal modules that have consolidated areas in Permanent Preservation Areas along natural watercourses, it shall be mandatory to recompose the respective marginal strips in 15 (fifteen) meters, counted from the edge of the trough of the regular bed, regardless of the width of the watercourse. [\(Included by Law nº 12,727 of 2012\)](#).

Paragraph 4. For rural properties with an area superior to 4 (four) fiscal modules that have consolidated areas in Permanent Preservation Areas along natural waterways, it will be mandatory to recompose the respective marginal strips: [\(Included by Law nº 12,727 of 2012\)](#).

I - (VETOED). [\(Included by Law nº 12,727 of 2012\).](#)

II - in the other cases, as determined by the PRA, observing the minimum of 20 (twenty) and the maximum of 100 (one hundred) meters, counted from the edge of the trough of the regular bed. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 5. In the case of rural areas consolidated in Permanent Preservation Areas in the surroundings of springs and perennial waterholes, the maintenance of agricultural, forestry, and livestock activities, ecotourism, or rural tourism shall be admitted, being mandatory the recomposition of the minimum radius of 15 (fifteen) meters. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 6. For rural properties that have consolidated areas in Permanent Preservation Areas in the surroundings of lakes and natural ponds, the maintenance of agricultural, forestry, and livestock activities, ecotourism or rural tourism shall be admitted, being mandatory the recomposition of marginal strip with a minimum width of: [\(Included by Law nº 12,727 of 2012\).](#)

I - 5 (five) meters, for rural real estate with area up to 1 (one) fiscal module; [\(Included by Law nº 12,727 of 2012\).](#)

II - 8 (eight) meters, for rural real estate with an area superior to 1 (one) fiscal module and up to 2 (two) fiscal modules; [\(Included by Law nº 12,727 of 2012\).](#)

III - 15 (fifteen) meters, for rural real estate with an area superior to 2 (two) fiscal modules and up to 4 (four) fiscal modules; and [\(Included by Law nº 12,727 of 2012\).](#)

IV - 30 (thirty) meters, for rural real estate with an area superior to 4 (four) fiscal modules. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 7. In the case of rural areas consolidated in paths, it shall be mandatory to recompose the marginal strips, in horizontal projection, delimited from the marshy and soaked space, of a minimum width of: [\(Included by Law nº 12,727 of 2012\).](#)

I - 30 (thirty) meters, for rural real estate with an area of up to 4 (four) fiscal modules. [\(Included by Law nº 12,727 of 2012\).](#)

II - 50 (fifty) meters, for rural real estate with an area superior to 4 (four) fiscal modules. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 8. The area owned by the rural property on July 22, 2008, shall be considered for the purposes of the provisions of the head provision and paragraphs 1 to 7. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 9. The existence of the situations provided for in the head provision shall be informed in the CAR for monitoring purposes, and in these cases, the adoption of soil and water conservation techniques aimed at mitigating any impacts is required. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 10. Even before the CAR is made available, in the case of existing interventions, the rural owner or possessor is responsible for the conservation of soil and water, through the adoption of good agronomic practices. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 11. The performance of the activities provided for in the head provision shall observe technical criteria for soil and water conservation indicated in the PRA provided for in this Law. The conversion of new areas for alternative land use in these places is prohibited. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 12. The maintenance of residences and infrastructure associated with agriculture, forestry, and livestock, ecotourism, and rural tourism activities, including access to these activities, shall be admitted, regardless of the determinations contained in the head provision and paragraphs 1 to 7, provided they are not in an area that poses a risk to life or physical integrity of people. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 13. The recomposition referred to in this article can be done, in isolation or jointly, by the following methods: [\(Included by Law nº 12,727 of 2012\).](#)

I - conducting natural regeneration of native species; [\(Included by Law nº 12,727 of 2012\).](#)

II - planting of native species; [\(Included by Law nº 12,727 of 2012\).](#)

III - planting of native species combined with the conduction of natural regeneration of native species; [\(Included by Law nº 12,727 of 2012\).](#)

IV - intercalated planting of woody, perennial, or long-cycle species, exotic with natives of regional occurrence, in up to 50% (fifty percent) of the total area to be recomposed, in the case of real estate referred to in item V of the head provision of article 3; [\(Included by Law nº 12,727 of 2012\).](#)

V - (VETOED). [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 14. In all cases provided for in this article, the public authority, having verified the existence of risk of aggravation of erosive processes or floods, shall determine the adoption of mitigating measures that guarantee the stability of the banks and the quality of the water, after deliberation of the State Environmental Council or equivalent State Collegiate body. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 15. From the date of publication of this Law and until the end of the period of accession to the PRA referred to in paragraph 2 of article 59, the continuity of the activities developed in the areas referred to in the head provision is authorized, which must be informed in the CAR for monitoring purposes, requiring the adoption of soil and water conservation measures. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 16. The Permanent Preservation Areas located in properties inserted in the limits of Integral Protection Conservation Units created by an act of the public power until the date of publication of this Law are not liable to have any activities considered as consolidated in accordance with the head provision and paragraphs 1 to 15, except as provided by the management plan elaborated and approved in accordance with the guidelines issued by the competent body of Sisnama, in accordance with the

regulations of the Chief Executive, with the adoption of all indicated measures by the owner, rural proprietor or occupier. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 17. In watersheds considered critical, as provided for in specific legislation, the Chief Executive may, in his/her own act, establish goals and guidelines for the recovery or conservation of native vegetation higher than those defined in the head provision and paragraphs 1 to 7, as a priority project, having heard the River Basin Committee and the State Environment Council. [\(Included by Law nº 12,727 of 2012\).](#)

Paragraph 18. (VETOED). [\(Included by Law N° 12,727 of 2012\).](#)

Art. 61-B. The owners and possessors of rural properties that, on July 22<sup>nd</sup>, 2008, held up to 10 (ten) fiscal modules and developed agriculture, forestry, and livestock activities in the consolidated areas in Permanent Preservation Areas are ensured that the requirement of recomposition, under the terms of this Law, adding all the Permanent Preservation Areas of the property, shall not exceed: [\(Included by Law nº 12,727 of 2012\).](#) [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

I - 10% (ten percent) of the total area of the property, for rural properties with an area of up to 2 (two) fiscal modules; [\(Included by Law nº 12,727 of 2012\).](#)

II - 20% (twenty percent) of the total area of the property, for rural properties with an area superior to 2 (two) and up to 4 (four) fiscal modules; [\(Included by Law nº 12,727 of 2012\).](#)

III - (VETOED). [\(Included by Law nº 12,727 of 2012\).](#)

Art. 61-C. For the settlements of the Agrarian Reform Program, the recomposition of consolidated areas in Permanent Preservation Areas along or around watercourses, lakes, and natural lagoons shall comply with the requirements established in article 61-A, observing the limits of each individually demarcated area, object of concession contract of use, until titling by the National Institute of Colonization and Agrarian Reform (Incra in Portuguese). [\(Included by Law nº 12,727 of 2012\).](#) [\(See ADIN nº 4,937\)](#) [\(See ADC nº 42\)](#) [\(See ADIN nº 4,902\)](#)

Art. 62. For artificial water reservoirs intended for power generation or public supply that have been registered or have had their concession or authorization contracts signed before the [Provisional Measure nº 2,166-67 of August 24, 2001](#), the range of the Permanent Preservation Area shall be the distance between the normal maximum operating level and the maximum quota . [\(See ADIN nº 4,903\)](#)

Art. 63. In rural areas consolidated in the sites covered by paragraphs V, VIII, IX and X of art. 4º, the maintenance of forest activities, crops of woody, perennial or long-cycle species, as well as the physical infrastructure associated with the development of agriculture, forestry, and livestock activities shall be admitted, prohibited the conversion of new areas for alternative land use. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,937\)](#) [\(See ADIN nº 4,902\)](#)

Paragraph 1. The extensive grazing in the places referred to in the head provision shall be restricted to areas of natural countryside vegetation or already converted to countryside vegetation, allowing the consortium with perennial or long-cycle woody vegetation.

Paragraph 2. The maintenance of crops and the infrastructure referred to in the head provision is conditioned by the adoption of soil and water conservation practices indicated by the rural technical assistance bodies.

Paragraph 3. The consolidation of other agriculture, forestry, and livestock activities, except for life-threatening situations, is allowed in the Permanent Preservation Areas of rural properties of up to 4 (four) fiscal modules, provided for in item VIII of article 4, within the scope of the PRA, from good agronomic practices and soil and water conservation, by deliberation of the State Environmental Councils or equivalent state collegiate bodies.

Art. 64. Land regularization will be admitted through the approval of the land regularization project, in the form of the specific law of urban land regularization in the Reurb-S of informal urban centers that occupy Permanent Preservation Areas. [\(Wording established by Law nº 13,465 of 2017\)](#)

Paragraph 1. The project of land regularization of social interest shall include a technical study that demonstrates the improvement of environmental conditions in relation to the previous situation with the adoption of the measures recommended therein.

Paragraph 2. The technical study referred to in paragraph 1 must contain, at least, the following elements:

- I - characterization of the environmental situation of the area to be regularized;
- II - specification of basic sanitation systems;
- III - proposal of interventions for the prevention and control of geotechnical risks and floods;
- IV - recovery of degraded areas and those not amenable to regularization;
- V - proof of the improvement of urban-environmental sustainability conditions, considering the appropriate use of water resources, the non-occupation of risk areas, and the protection of conservation units, when appropriate;
- VI - proof of the improvement of the habitability of the residents provided by the proposed regularization; and
- VII - guarantee of public access to beaches and bodies of water.

Art. 65. Land regularization shall be admitted through the approval of the land regularization project, in the form of the specific law on urban land regularization in the Reurb - E of informal urban centers that occupy Permanent Preservation Areas not identified as risk areas. [\(Wording established by Law nº 13,465, of 2017\)](#)

Paragraph 1. The process of land regularization of specific interest should include a technical study that demonstrates the improvement of environmental conditions in relation to the previous situation and be instructed with the following elements: [\(Wording established by Law nº 13,465 of 2017\)](#)

I - the physical-environmental, social, cultural, and economic characterization of the area;

II - the identification of environmental resources, environmental liabilities and weaknesses, and the constraints and potentials of the area;

III - the specification and evaluation of the urban infrastructure and basic sanitation systems implemented, other services, and public equipment;

IV - the identification of conservation units and protection areas of springs in the area of direct influence of the occupation, be them surface or groundwater;

V - the specification of the existing consolidated occupation in the area;

VI - the identification of areas considered to be at risk of flooding and rock mass movements, such as sliding, falling, and rolling blocks, mud running, and others defined as geotechnical risk;

VII - the indication of the ranges or areas in which the typical characteristics of the Permanent Preservation Area should be protected with the appropriate proposal for the recovery of degraded areas and those not amenable to regularization;

VIII - environmental risk assessment;

IX - the proof of the improvement of the conditions of urban-environmental sustainability and habitability of the residents from the regularization; and

X - the demonstration of guaranteeing free access by the population to beaches and bodies of water, when appropriate.

Paragraph 2. For the purposes of environmental regularization provided for in the head provision, a non-buildable strip with a minimum width of 15 (fifteen) meters shall be maintained on each side along rivers or any watercourse.

Paragraph 3. In urban areas listed as historical and cultural heritage, the non-buildable strip referred to in paragraph 2 may be redefined to meet the parameters of the act of listing.

### **Section III**

#### **Consolidated areas in Legal Reserve Areas**

Art. 66. The owner or possessor of rural property that held, on July 22<sup>nd</sup>, 2008, a Legal Reserve Area with an extension inferior to that established in article 12, may regularize their situation, regardless of adherence to the PRA, adopting the following alternatives, in isolation or jointly:

I - recompose the Legal Reserve;

II - allow the natural regeneration of vegetation in the Legal Reserve Area;

III - compensate the Legal Reserve.

Paragraph 1. The obligation referred to in the head provision has a real estate nature and is transmitted to the successor in the case of transfer of domain or possession of the rural property.

Paragraph 2. The recomposition referred to in item I of the head provision must meet the criteria stipulated by the competent body of Sisnama and be completed within 20 (twenty) years, covering, every 2 (two) years, at least 1/10 (one tenth) of the total area necessary for its complementation.

Paragraph 3. The recomposition referred to in item I of the head provision may be conducted through the intercalated planting of native species with exotic or fruiting species, in an agroforestry system, observing the following parameters: [\(Included by Law nº 12,727 of 2012\)](#). [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

I - the planting of exotic species should be combined with the native species of regional occurrence;

II - the area recomposed with exotic species may not exceed 50% (fifty percent) of the total area to be recovered.

Paragraph 4. The owners or possessors of the property who choose to recompose the Legal Reserve in the form of paragraphs 2 and 3 shall be entitled to its economic exploitation, under the terms of this Law.

Paragraph 5. The compensation referred to in item III of the head provision must be preceded by the registration of the property in the CAR and may be done by: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

I - the acquisition of an Environmental Reserve Quota (CRA);

II - the lease of an area under environmental easement or Legal Reserve;

III - the donation to the public authority of an area located within a public domain Conservation Unit pending land regularization;

IV - the registration of another area equivalent and surplus to the Legal Reserve, in a property of the same ownership or acquired in a property of a third party, with native vegetation established, in regeneration or recomposition, provided it is located in the same biome.

Paragraph 6. The areas to be used for compensation in the form of paragraph 5 shall: [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

I - be equivalent in extension to the area of the Legal Reserve to be compensated;

II - be located in the same biome as the Legal Reserve area to be compensated;

III - if outside the state, be located in areas identified as priority by the Union or the States.

Paragraph 7. The definition of priority areas referred to in paragraph 6 shall seek to promote, among others, the recovery of excessively deforested watersheds, the creation of ecological corridors, the conservation of large protected areas, and the conservation or recovery of threatened ecosystems or species.

Paragraph 8. When concerning public real estate, the compensation referred to in item III of the head provision may be made by granting a right of use or donation, by the legal entity governed by of public law owner of rural property that does not hold sufficient Legal Reserve, to the public body responsible for the area Conservation Unit located within a public domain Conservation Unit, to be created or pending land regularization.

Paragraph 9. The compensation measures referred to in this article may not be used as a form to enable the conversion of new areas for alternative land use.

Art. 67. In rural properties that presented, on July 22<sup>nd</sup>, 2008, an area of up to 4 (four) fiscal modules and that have remaining native vegetation in percentages lower than that provided for in article 12, the Legal Reserve shall be constituted with the area occupied with native vegetation existing on July 22<sup>nd</sup>, 2008, prohibited new conversions for alternative land use. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#) [\(See ADIN nº 4,902\)](#)

Art. 68. The owners or possessors of rural properties that have conducted suppression of native vegetation respecting the percentages of Legal Reserve provided for by the legislation in force at the time when the suppression occurred are exempted from promoting the recomposition, compensation, or regeneration to the percentages required in this Law. [\(See ADC nº 42\)](#) [\(See ADIN nº 4,901\)](#)

Paragraph 1. The owners or possessors of rural real estate may prove these consolidated situations by documents such as the description of historical facts of occupation of the region, commercialization records, agricultural data of the activity, contracts, and bank documents relating to production, and by all other means of proof admitted by law.

Paragraph 2. The owners or possessors of rural real estate, in the Legal Amazon, and their necessary heirs who have a Legal Reserve Index superior to 50% (fifty percent) of forest cover and have not conducted the suppression of vegetation in the percentages provided for by the legislation in force at the time may also use the excess area of Legal Reserve for the purposes of establishing environmental easement, Environmental Reserve Quota (CRA), and other similar instruments provided for in this Law.

## CHAPTER XIV

### SUPPLEMENTARY AND FINAL PROVISIONS

Art. 69. Commercial establishments responsible for the sale of chainsaws, as well as those that acquire them, are required to register with the competent federal body of Sisnama.

Paragraph 1. The license for carrying and using chainsaws shall be renewed every 2 (two) years.



Paragraph 2. The manufacturers of chainsaws are obliged to print, in a visible place of the equipment, numbering whose sequence shall be forwarded to the competent federal body of Sisnama and shall appear on the corresponding invoices.

Art. 70. In addition to the provisions of this Law and without prejudice to the creation of nature conservation units, in the form of [Law nº 9,985 of July 18<sup>th</sup>, 2000](#), and other appropriate actions aimed at the protection of forests and other forms of vegetation, the federal, state, or municipal government may:

I - prohibit or limit the cutting of rare, endemic, or endangered species of flora, as well as species necessary for the subsistence of traditional populations, delimiting the areas covered by the act, making the cutting of other species in these areas dependent on prior authorization;

II - declare any tree immune from cutting because of its location, rarity, beauty, or seed carrier condition;

III - establish administrative requirements on the registration and other forms of control of individuals or legal entities engaged in the extraction, industry, or trade of forest products or by-products.

Art. 71. The Union, together with the States, the Federal District, and the Municipalities, shall carry out the National Forest Inventory to subsidize the analysis of the existence and quality of the country's forests, in private real estate and public lands.

Sole paragraph. The Union shall establish criteria and mechanisms to standardize the collection, maintenance, and updating of National Forest Inventory information.

Art. 72. For the purposes of this Law, forestry activity, when conducted in an area suitable for alternative land use, is equated to agricultural activity, in accordance with [Law nº 8,171 of January 17<sup>th</sup>, 1991](#), which "provides for the Agricultural Policy"

Art. 73. The central and executing agencies of Sisnama shall create and implement, with the participation of the state bodies, sustainability indicators, to be published biannually, with a view to measuring the evolution of the components of the system covered by the provisions of this Law.

Art. 74. The Chamber of Foreign Trade (CAMEX in Portuguese), referred to in [article 20-B of Law nº 9,649 of May 27<sup>th</sup>, 1998](#), with wording established by [Provisional Measure nº 2,216-37 of August 31<sup>st</sup>, 2001](#), is authorized to adopt measures to restrict imports of goods of agricultural or forestry origin produced in countries that do not observe environmental protection norms and standards compatible with those established by Brazilian legislation.

Art. 75. The PRAs established by the Union, the States, and the Federal District are expected to include a mechanism that allows for the monitoring of its implementation, considering the national objectives and goals for forests, especially the implementation of the instruments provided for in this Law, the registration of the owners and possessors of rural real estate, the evolution of regularization of rural properties and possessions, the degree of reliability of the use of forest raw material, and the control and prevention of forest fires.

Art. 76. (VETOED).

Art. 77. (VETOED).

Art. 78. Article 9-A of Law nº 6,938 of August 31<sup>st</sup>, 1981, comes into force with the following wording:

"Art. 9-A. The owner or possessor of property, individual or legal entity, may, by public or private instrument or by administrative term signed before an integral body of Sisnama, limit the use of all his/her property or part of it to preserve, conserve, or recover the existing environmental resources, instituting environmental easement.

Paragraph 1. The instrument or term of institution of environmental easement must include, at least, the following items:

I - descriptive memorial of the environmental easement area, containing at least one georeferenced mooring point;

II - object of environmental easement;

III - rights and duties of the instituting owner or possessor;

IV - term during which the area will remain as environmental easement.

Paragraph 2. Environmental easement does not apply to Permanent Preservation Areas and the required minimum Legal Reserve.

Paragraph 3. The restriction on the use or exploitation of the vegetation of the area under environmental easement must be, at least, the same established for the Legal Reserve.

Paragraph 4. The following must be subject to the notation on the registration of the property in the competent real estate registry:

I - the instrument or term of institution of environmental easement;

II - the contract of alienation, assignment, or transfer of environmental easement.

Paragraph 5. In the case of Legal Reserve compensation, environmental easement must be endorsed in the registration of all the properties involved.

Paragraph 6. It is forbidden to change the designation of the area during the term of the environmental easement in cases of transmission of the property in any title, of dismemberment, or of rectification of the property limits.

Paragraph 7. The areas that have been established in the form of forest easement, in accordance with article 44-A of Law nº 4,771 of September 15<sup>th</sup>, 1965, are now considered, by the effect of this Law, as environmental easement." (NR)

Art. 78-A. After December 31<sup>st</sup>, 2017, financial institutions shall only grant agricultural credit, in any of its modalities, to rural property owners who are enrolled in the CAR. [\(Wording established by Law nº 13,295 of 2016\) \(See ADC nº 42\) \(See ADIN nº 4,902\)](#)

Sole paragraph. The period referred to in this article shall be extended in compliance with the new periods referred to in paragraph 3 of article 29. [\(Included by Law nº 13,295 of 2016\)](#)

Art. 79. Law nº 6,938 of August 31<sup>st</sup>, 1981, comes into force plus the following articles 9-B and 9-C:

['Art. 9-B.](#) Environmental easement may be onerous or free, temporary or perpetual.

Paragraph 1. The minimum term of temporary environmental easement is 15 (fifteen) years.

Paragraph 2. Perpetual environmental easement is equivalent, for credit, tax, and access to resources of public funds, to the Natural Heritage Private Reserve (RPPN in Portuguese), defined in article 21 of Law nº 9,985 of July 18<sup>th</sup>, 2000.

Paragraph 3. The holder of the environmental easement may dispose of it, assign it, or transfer it, in whole or in part, for a fixed term or permanently, in favor of another owner or of a public or private entity that has environmental conservation as a social purpose.”

["Art. 9-C.](#) The contract of alienation, assignment, or transfer of the environmental easement must be endorsed on the registration of the property.

Paragraph 1. The contract referred to in the head provision must contain, at least, the following items:

I - the delimitation of the area subjected to environmental preservation, conservation, or recovery;

II - the object of environmental easement;

III - the rights and duties of the instituting owner and future acquirers or successors;

IV - the rights and duties of the environmental easement holder;

V - the economic benefits of the institution and the holder of the environmental easement;

VI - the legal provision to ensure its compliance, including necessary judicial measures, in case it is breached.

Paragraph 2. The following are duties of the owner of the property easement, among other obligations stipulated in the contract:

I - maintain the area under environmental easement;

II - report to the holder of the environmental easement on the conditions of natural or artificial resources;

III - allow the inspection and supervision of the area by the holder of the environmental easement;

IV - defend the possession of the property easement, by all means admitted in law.

Paragraph 3. The following are duties of the holder of environmental easement, among other obligations stipulated in the contract:

I - document the environmental characteristics of the property;

II - periodically monitor the property to verify that environmental easement is being maintained;

III - provide necessary information to any interested in the acquisition or to the successors of the property;

IV - maintain up-to-date reports and files with the activities of the easement object area;

V - judicially defend the environmental easement.”

Art. 80. Law nº 9,393 of December 19<sup>th</sup>, 1996, article 10, paragraph 1, item II, subitem *d* comes into force with the following wording:

"Art. 10. ....

Paragraph 1. ....

.....

II - .....

.....

d) under environmental easement regime;

.....” (NR)

Art. 81. The head provision of article 35 of Law nº 11,428 of December 22<sup>nd</sup>, 2006, comes into force with the following wording:

"Art. 35. The conservation, in rural or urban property, of the primary vegetation or secondary vegetation at any stage of regeneration of the Atlantic Forest biome a fulfills social function and is of public interest. The areas subject to the restriction referred to in this law may be computed for the purpose of the Legal Reserve and its surplus used for environmental compensation purposes or establishment of environmental reserve quota (CRA), at the discretion of the owner.

.....” (NR)

Art. 82. The Union, the States, the Federal District, and the Municipalities are authorized to establish, adapt, or reformulate, within 6 (six) months, within the framework of Sisnama, forestry or related institutions, duly equipped to ensure the complete fulfillment of this Law.

Sole paragraph. The institutions referred to in the head provision may accredit, by public selection notice, professionals duly qualified to support the environmental regularization of the properties provided for in item V of article 3, under the terms of a regulation issued by an act of the Chief Executive.

Art. 83. [Laws nº 4,771 of September 15<sup>th</sup>, 1965](#), and [nº 7,754 of April 14<sup>th</sup>, 1989](#), its subsequent changes, and [Provisional Measure nº 2,166-67 of August 24<sup>th</sup>, 2001](#) are repealed.

Art. 84. This Law comes into force on the date of its publication.

Brasilia, May 25<sup>th</sup>, 2012; 191st of the Independence and 124th of the Republic.

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**This text does not replace the one published in the Federal Gazette of 5.28.2012**

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