

Decree No. 1.205 of 1 August 1994

Approves the Governing Structure for the Ministry of the Environment and the Legal Amazon, and makes other provisions.

The President of the Republic, in exercise of the powers vested on him by Article 84, Sections IV and VI of the Constitution, and in view of the provisions of Article 14, Section XX of Law No. 8.490 of 19 November 1992, as amended by Law No. 8.746 of 9 December 1993, and by Provisional Measure No. 545 of 4 July 1994,

Decrees:

Article 1. The Governing Structure and Demonstrative Table showing the temporary government positions and duties at the discretion of Ministry of the Environment and the Legal Amazon, as indicated in Annexes I and II of this Decree, are approved.

Article 2. The internal rules of the agencies of the Ministry shall be approved by Administrative Ruling of the Ministry of the Environment and the Legal Amazon.

Article 3. Articles 43 to 49 of Decree No. 99.244 of 10 May 1990, Article 7 of Decree No. 99.274 of 6 June 1990 and Decree No. 99.604 of 13 October 1990 are hereby revoked.

Article 4. This Decree shall enter into effect on the date of its publication.

Brasilia, 1 August 1994: 173rd year of Independence, and 106th year of the Republic.

Itamar Franco

Henrique Brandao Cavalcanti

Romildo Canhim

Annex I Governing Structure of the Ministry of the Environment and the Legal Amazon

Chapter I Nature and Purpose

Article 1. The purpose of the Ministry of the Environment and the Legal Amazon, which was created by Law No. 8.490 of 19 November 1992, amended by Law No. 8.746 of 9 December 1993, and by Provisional Measure No. 545 of 4 July 1994, is to plan, coordinate, supervise and monitor activities pertaining to National Environmental Policy and the preservation, conservation, and rational use of renewable natural resources, to articulate and coordinate overall policy actions for the Legal Amazon so as to improve the quality of life of the Amazon population, and specifically:

I -- to formulate and execute national environmental policy and to articulate and coordinate overall policy actions for the Legal Amazon;

II -- to articulate, together with Federal Government

ministries, agencies or entities, domestic and international actions relating to national environmental policy and overall policy for the Legal Amazon;

III -- to participate in the decision-making process in domestic and international organizational settings through agreements and negotiations aimed at managing the environment and overall policy for the Legal Amazon;

IV -- to implement technical, scientific, and financial cooperation in support of national environmental policy;

V -- to encourage and promote research and technical and scientific studies at all levels relating to its jurisdiction, and to communicate the results obtained;

VI -- to promote environmental education and the shaping of a common awareness of conservation and appreciation of nature in order to improve the quality of life;

VII -- to promote the integration of programs and actions under the agencies and entities of the Federal Public Administration, the states, the Federal District and municipalities pertaining to the environment and renewable natural resources, and to overall policy for the Legal Amazon;

VIII -- to develop, guide, and regulate forestry, wildlife, fishing, and rubber-harvest policies.

IX -- to implement programs for monitoring rivers and protecting water sources, including controlling river pollution.

Chapter II Governing Structure

Article 2. The Ministry of the Environment and the Legal Amazon has the following governing structure:

I -- Agencies for Direct and Immediate Assistance to the Minister:

- a) Cabinet
- b) Secretariat

II -- Sector Agencies:

- a) Legal Advisory
- b) General Administration Secretariat

III -- Section Agency:

- a) Internal Supervision Secretariat

IV -- Special Agencies

a) Secretariat for the Coordination of Environmental Issues:

- 1. Policy and Program Development Department;
- 2. Environmental Management Department;
- 3. International Cooperation Department.

b) Secretariat for the Coordination of Legal Amazon Issues:

- 1. Federal Agencies and International Affairs Liaison

Department.

2. States and Organizations Liaison Department.

c) Secretariat for the Coordination of Overall Development Issues:

1. Planning and Programming Department;

2. Department for the Study of Sustainable Development.

V -- Associated Agencies

a) National Environmental Council

b) National Legal Amazon Council;

c) National Rubber Council

d) National Environment Fund Committee

VI -- Related entity:

a) Autonomous agency: Brazilian Institute for the Environment and Renewable National Resources (IBAMA).

Chapter III Agency Jurisdiction

Section I Agencies for Direct and Immediate Assistance to the Minister

Article 3. The role of the Cabinet is to:

I -- assist the Minister in his social and political representative role;

II -- assume responsibility for preparing and handling the personal work thereof;

III -- promote activities in the areas of public communication and parliamentary matters;

IV -- provide guidance in matters of international cooperation and technical and financial assistance.

V -- assure that matters of interest to the Ministry are published and made known.

Article 4. The role of the Executive Secretariat is to:

I -- supervise the Ministry's planning, budgeting, and financial programming;

II -- coordinate and arrange for legislative proposals, temporary measures, and decrees of interest to the Ministry to be sent to the Office of the President of the Republic;

III -- assist the Minister in formulating and executing issues within the Ministry's jurisdiction.

Section II The Sector Agencies

Article 5. The Legal Advisory Office, a sector agency of the Federal Attorney General's Office pursuant to the provisions of Complementary Law No. 73 of 10 February 1993, which for administrative purposes reports to the Ministry, is specifically responsible for:

I -- providing legal counsel for the Ministry of the Environment and the Legal Amazon;

II -- providing coordination in legal matters between the

Ministry of the Environment and the Legal Amazon and the autonomous agencies and entities connected to it;

III -- establishing the interpretation of the Constitution, laws, treaties, and other formal regulatory acts to be uniformly observed in the areas of activity and coordination of the Ministry of the Environment and the Legal Amazon, in the absence of regulatory guidance from the Federal Attorney General's Office;

IV -- carrying out studies and preparing information at the request of the Ministry of the Environment and the Legal Amazon;

V -- assisting the Minister of the Environment and the Legal Amazon in internal supervision of the administrative legality of the activities performed and executed thereby, and of those originating in the agencies or entities subject to the legal coordination thereof;

VI -- examining the following, thoroughly and in advance, within the sphere of the Ministry of the Environment and of the Legal Amazon:

a) the texts of calls for bids and the corresponding contracts or related documents;

b) formal documents stating that bids may not be required, or decisions stating that the bidding process may be dispensed with;

VII -- examining judicial orders and decisions and guiding Ministry officials on exact compliance therewith;

VIII -- gathering factual and legal evidence and preparing information that must be provided under the authority of the Ministry for judicial proceedings and information requested by the Federal Attorney General's Office.

Article 6. The Secretariat of General Administration, a sector agency of the Organization and Administrative Modernization Systems, under Information and Computer Resources, under Civilian Employees, and under General Services, is responsible for:

I -- coordinating organization and administrative modernization activities, as well as those relating to information and computer resources;

II -- coordinating activities relating to employee management and development;

III -- coordinating activities relating to budgeting and finance, materials management, transportation, property, management communications, the preservation and maintenance of public buildings, and administrative support.

Section III Section Agency

Article 7. The Internal Supervision Secretariat, a section agency of the Internal Supervision System under the Executive Branch, is responsible for performing, within the Ministry, the activities provided for in Provisional Measure No. 535, of 24 June 1994.

Section IV Special Agencies

Article 8. The role of the Secretariat for the Coordination of Environmental Affairs is to plan, coordinate, supervise, monitor, execute, or have executed national policy pertaining to the preservation, conservation, and sustainable use of renewable natural resources.

Article 9. The role of the Department of Environmental Policy and Program Formulation is to:

I -- formulate, coordinate, and evaluate policies and programs relating to the environment and renewable natural resources and to proposes guidelines for their execution;

II -- promote the implementation of actions resulting from commitments made in international conventions, agreements, and formal documents relating to the formulation of environmental policies and programs.

Article 10. The role of the Environmental Management Department is to:

I -- plan, follow, supervise, and evaluate the implementation of environmental policies and guidelines and those relating to renewable natural resources;

II -- promote the implementation of actions resulting from commitments made in international conventions, agreements, and formal documents, relating to the formulation of environmental policies and programs.

Article 11. The role of the International Cooperation Department is to:

I -- coordinate, supervise, and monitor international cooperation activities and the implementation of international formal agreements relating to the environment;

II -- propose international technical, scientific, and economic cooperation programs, as aids to the Government's activities.

Article 12. The role of the Secretariat for Coordination of Legal Amazon Issues is to coordinate, supervise, and monitor actions relating to overall national policy for the Legal Amazon, articulating cooperation between public agencies and governmental and international bodies.

Article 13. The role of the Federal Agencies and International Affairs Liaison Department is to:

I -- articulate and participate in coordinating, integrating, and monitoring actions relating to overall policy for the Legal Amazon being carried out by Federal Government agencies and bodies;

II -- participate in articulating, with Federal Government ministries, agencies, and bodies, actions outside the country or originating elsewhere relating to overall national policy for the Legal Amazon;

III -- promote, participate in, and monitor the implementation of international agreements encompassing activities, programs, and projects in the Legal Amazon.

Article 14. The role of the State and Organization Liaison Department is to:

I -- articulate and participate in the coordination, integration, and monitoring of initiatives taken by state and municipal government agencies and bodies relating to overall national policy for the Legal Amazon;

II -- participate in articulating initiatives taken by organizations, relating to overall national policy for the Legal Amazon.

Article 15. The role of the Secretariat for the Coordination of Integrated Development Issues is to harmonize and consolidate plans, programs, and financial mechanisms intended to promote sustained development and to improve the country's environmental quality.

Article 16. The role of the Planning and Programming Department is to analyze and propose plans and programs and articulate the financial mechanisms for implementing them.

Article 17. The role of the Department for Sustainable Development Studies is to carry out social, economic and environmental studies, formulate and monitor the trends of sustainability indicators, and prepare studies of interest to the Ministry of the Environment and the Legal Amazon.

Section V Associated Agencies

Article 18. The role of the National Environmental Council is to:

I -- establish, at the command of the Ministry of the Environment and the Legal Amazon, standards and criteria for the States or the Federal District to permit actual or potential polluting activities;

II -- resolve, when deemed necessary, to carry out studies of alternatives and the possible environmental consequences of public or private projects, requesting from federal, state and municipal agencies and private entities the information necessary for evaluating environmental impact studies and their respective reports, for construction projects or activities that seriously degrade the environment, especially in areas regarded as part of the national heritage;

III -- render judgment, at the highest level of administrative appeal, by means of a deposit in advance, on fines and other penalties imposed by IBAMA;

IV -- ratify agreements aimed at replacing monetary penalties with the obligation to take steps aimed at protecting the environment;

V -- resolve, through representation of the Ministry of the Environment and the Legal Amazon, when it is a matter specifically related to the environment, that fiscal benefits granted by the Government are to be forfeited or restricted, generally or conditionally, and that participation in credit lines from official lending agencies is to be forfeited or suspended;

VI -- establish, on an exclusive basis, national regulations and standards for controlling pollution caused by land, air or water motor vehicles, through formal consultation with the competent Ministries;

VII -- Establish norms, criteria, and standards for monitoring and maintaining environmental quality with a view to the rational use of environmental resources, especially water resources.

1. The norms and criteria for permitting potential or actual polluting activities must establish the requisites that are absolutely necessary for environmental protection.

2. The penalties envisioned in paragraph V of this Article shall only be applied in cases previously defined in a specific CONAMA document, thereby assuring that the affected party has ample opportunity for its own defense.

3. In establishing norms, criteria, and standards for monitoring and maintaining environmental quality, CONAMA shall take into consideration the self-regenerating capacity of the receiving bodies and the need to establish measurable general parameters.

Article 19. It is the role of the National Council for the Legal Amazon to:

I -- propose and coordinate the integrated national policy for the Amazon region in conjunction with state and municipal governments, taking into account all dimensions of social and economic life and the imperatives of sustainable development, improvement in the quality of life of the Amazon populations, and protection and preservation of the Amazon environment;

II -- coordinate policies harmonizing the activity of federal agencies so as to serve the Amazon populations;

III -- articulate actions for implementing these policies or to respond to situations demanding special measures or those of an emergency nature;

IV -- monitor the implementation of overall policy and of federally coordinated initiatives for the Legal Amazon;

V -- provide an opinion on proposed legislation related to Federal Government activities in the Legal Amazon;

VI -- deliberate and propose measures for events and situations relating to the Legal Amazon that require rapid and coordinated action by the Federal Government.

Article 20. The role of the National Rubber Council is as established in Law No. 5.227, dated January 18, 1967.

Article 21. The role of the National Environmental Fund is as established in Decree No. 98.161, of 21 September 1989, as amended by Decree No. 99.249, of 11 May 1990.

Section VI Related Agency

Article 22. The purpose of the Brazilian Institute for the Environment and Renewable National Resources (IBAMA), an independent federal government body governed by special regulation, which is a legal entity by public law, administratively and financially autonomous, and linked to the Ministry of the Environment and the Legal Amazon, is to advise it in the formulation and coordination of national environmental policy, and on the preservation, conservation, and rational use, supervision, monitoring,

1 Cabinet	1	1	1 Chief	1 101.5	1
1	1	1	1 Advisor	1 102.2	1
1	1	1	1 Advisor	1 102.1	1
1 Coordination	1	1	1 Coordinator	1 101.3	1
1 Division	1	1	1 Chief	1 101.2	1
1 Service	1	3	1 Chief	1 101.1	1
1 Advisor	1	2	1 Chief	1 101.4	1
1 Division	1	4	1 Chief	1 101.2	1
1	1	1	1	1	1
1 Executive Secretary	1	1	1	1	1
1	1	2	1 Secretary Advisor	1 102.3	1
1	1	1	1 Advisor	1 102.2	1
1 Cabinet	1	1	1 Chief	1 101.4	1
1	1	1	1 Advisor	1 102.1	1
1 Service	1	1	1 Chief	1 101.1	1
1	1	1	1	1	1
1 Legal Advisory	1	1	1 Legal Advisor	1 101.5	1
1	1	1	1 Advisor	1 102.2	1
1	1	1	1 Advisor	1 102.1	1
1 Service	1	1	1 Chief	1 101.1	1
1 General Coordination	1	2	1 General Coordinator	1 101.4	1
1 Division	1	5	1 Chief	1 101.2	1
1	1	1	1	1	1
1 General Administration	1	1	1 Secretary	1 101.5	1
1 Secretariat	1	1	1 Advisor	1 102.2	1
1	1	1	1 Advisor	1 102.1	1
1 Service	1	1	1 Chief	1 101.1	1
1 General Coordination	1	3	1 General Coordinator	1 101.4	1
1 Coordination	1	1	1 Coordinator	1 101.3	1
1 Division	1	14	1 Chief	1 101.2	1
1	1	1	1	1	1
1 Internal Control	1	1	1 Secretary	1 101.5	1
1 Secretariat	1	1	1 Advisor	1 102.2	1
1 General Coordination	1	2	1 General Coordinator	1 101.4	1
1 Division	1	4	1 Chief	1 101.2	1
1	1	1	1	1	1
1 Secretariat for the	1	1	1 Secretary	1 101.6	1
1 Coordination of	1	1	1 Advisor	1 102.2	1
1 Environmental Issues	1	1	1 Advisor	1 102.1	1
1 Cabinet	1	1	1 Chief	1 101.4	1
1	1	1	1 Advisor	1 102.1	1
1 Division	1	1	1 Chief	1 101.2	1
1 Service	1	2	1 Chief	1 101.1	1
1 Department	1	3	1 Director	1 101.5	1
1	1	3	1 Advisor	1 102.2	1
1 General Coordination	1	9	1 General Coordinator	1 101.4	1
1	1	11	1 Program Manager	1 101.3	1
1	1	13	1 Project Manager	1 101.2	1
1	1	1	1	1	1
1 Secretariat for the	1	1	1 Secretary	1 101.6	1
1 Coordination of Legal	1	1	1 Advisor	1 102.2	1
1 Amazon Matters	1	1	1 Advisor	1 102.1	1
1 Cabinet	1	1	1 Chief	1 101.4	1
1	1	1	1 Advisor	1 102.1	1
1 Division	1	1	1 Chief	1 101.2	1
1 Service	1	2	1 Chief	1 101.1	1
1 Department	1	2	1 Director	1 101.5	1
1	1	2	1 Advisor	1 102.2	1
1 General Coordination	1	5	1 General Coordinator	1 101.4	1
1	1	4	1 Program Manager	1 101.3	1

1		1	9	1 Project Manager	1 101.2	1
1		1		1	1	1
1	Secretariat for the	1		1	1	1
1	Coordination of	1	1	1 Secretary	1 101.6	1
1	Integrated Development	1	1	1 Advisor	1 102.2	1
1	Issues	1	1	1 Advisor	1 102.1	1
1	Cabinet	1	1	1 Chief	1 101.4	1
1		1	1	1 Advisor	1 102.1	1
1	Division	1	1	1 Chief	1 101.2	1
1	Service	1	2	1 Chief	1 101.1	1
1	Department	1	2	1 Director	1 101.5	1
1		1	2	1 Advisor	1 102.2	1
1	General Coordination	1	5	1 General Coordinator	1 101.4	1
1	Coordination	1	1	1 Coordinator	1 101.3	1
1		1	4	1 Program Manager	1 101.3	1
1		1	9	1 Project Manager	1 101.2	1
1		1		1	1	1

Annex II b -- Table Showing the Costs of Temporary
Government Positions and Paid Duties of the
Ministry of the Environment and the Legal
Amazon

21 July 1994

1		1		1		1
1		1		1 Proposed Situation	1	1
1		1		1	1	1
1		1		1	1	1
1	Code	1 Unit Value R	1 Qt.	1 Total Value	1	1
1		1	1	1	1	1
1		1	1	1	1	1
1	DAS 101.6	1 1.467,99	1 3	1 4.403,97	1	1
1	DAS 101.5	1 1.331,08	1 11	1 14.641,88	1	1
1	DAS 102.5	1 1.331,08	1 1	1 1.331,08	1	1
1	DAS 101.4	1 1.133,64	1 32	1 36.276,48	1	1
1	DAS 102.4	1 1.133,64	1 3	1 3.400,92	1	1
1	DAS 101.3	1 643,71	1 22	1 14.161,62	1	1
1	DAS 102.3	1 643,71	1 2	1 1.287,42	1	1
1	DAS 101.2	1 577,13	1 62	1 35.782,06	1	1
1	DAS 102.2	1 577,13	1 17	1 9.811,21	1	1
1	DAS 101.1	1 526,77	1 12	1 6.321,24	1	1
1	DAS 102.1	1 526,77	1 10	1 5.267,70	1	1
1		1	1	1	1	1
1		1	1	1	1	1
1	Sub-Total	1 ---	1 175	1 132.685,58	1	1
1		1	1	1	1	1
1		1	1	1	1	1
1	FG-1	1 65,17	1 20	1 1.303,40	1	1
1	FG-2	1 50,16	1 25	1 1.254,00	1	1
1	FG-3	1 38,59	1 38	1 1.466,42	1	1
1		1	1	1	1	1
1		1	1	1	1	1
1	Sub-Total	1 ---	1 83	1 4.023,82	1	1
1		1	1	1	1	1
1		1	1	1	1	1
1	Total	1 ---	1 258	1 136.709,40	1	1
1		1	1	1	1	1

EFFECTIVE-DATE: 08/01/1994