

OFFICIAL GAZETTE OF THE FEDERATIVE REPUBLIC OF BRAZIL

Published on: 10th February 2021 | Issue: 28 | Section: 1 | Page: 5

Source: Acts by the Executive Power

DECREE NO. 10,623, OF 9TH FEBRUARY 2021

Institutes the Adopt a Park Programme, with the purpose of promoting conservation, recovery, and improvement of the federal conservation units by private national and foreign individuals and legal entities.

THE PRESIDENT OF THE FEDERATIVE REPUBLIC OF BRAZIL, in the exercise of the powers vested in him by Article 84, Heading, Clauses IV and VI, Paragraph 'a' of the Constitution, and, in view of the provisions of Article 24, Heading, Clauses VI and VII and of Article 225, Heading and § 1 of the Constitution, and of Article 34 of Law 9,985 of 18th July 2000,

DECREES AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1. The Adopt a Park Programme is thus instituted, with the purpose of promoting conservation, recovery, and improvement of the federal conservation units by private national and foreign individuals and legal entities.

§ 1. The objectives of the Adopt a Park Programme are:

I – consolidating and implementing management plans for the federal conservation units;

II – monitoring federal conservation units;

III – recovering environmentally degraded areas;

IV – supporting the prevention and combatting forest fires;

V – supporting the prevention and combatting illegal deforestation; and

VI - promoting improvements, investments, infrastructure, and maintenance in the federal conservation units.

§ 2. For the attainment of the objectives concerning § 1, the exercise of the police power shall not be delegated.

Article 2. The Adopt a Park Programme shall have goods and services as items of donation which shall cater for the objectives concerning § 1 of Article 1, with or without any burden or charges, in accordance with agreed work plans.

Article 3. The Adopt a Park Programme shall be coordinated by the Ministry of the Environment, through the Chico Mendes Institute for Biodiversity Conservation – the Chico Mendes Institute.

§ 1. The Adopt a Park Programme does not imply:

I – any change in the legal nature of the federal conservation units; or

II – loss of the competencies of the Chico Mendes Institute.

§ 2. The goods and services ensuing from the Adopt a Park Programme shall not entail reductions in the application of revenues and investments by the Chico Mendes Institute.

§ 3. The Chico Mendes Institute shall be responsible for implementing the actions ensuing from the donations of goods and services as referred to in Article 2, in accordance with the provisions of Law 9.985 of 18th July 2000.

Article 4. The actions of the Adopt a Park Programme shall comply with the objectives and directives outlined in the Brazilian National System of Conservation Units, 'SNUC', instituted by Law 9,985 of 2000.

CHAPTER II

OF PROCEDURES

Article 5. The selection of federal conservation units to be included in the Adopt a Park Programme must be carried out by the Ministry of the Environment, in consideration of convenience and opportunity.

Single Paragraph. Owner consent will be required for the inclusion of private areas which constitute federal conservation units in the Adopt a Park Programme.

Article 6. The minimum reference value for adoption must be based on the total area of each federal constitution unit; and must be defined by an act of the Minister of the Environment.

Article 7. The adoption by means of donation of goods or services set out in the present Decree shall be transacted by means of a public notice.

Article 8. Only donations which fully comply with the public notice announcement shall be accepted; and no partial donation, or a donation outside the scope of the terms of the public notice announcement, shall be considered.

§ 1. Adoption shall also be allowed in the following cases:

I – more than one federal conservation unit may be adopted by an interested individual or by a group of interested individuals, and

II – federal conservation units may be adopted by a group of individuals or legal entities, either national or foreign, provided they comply with the object set out in the public notice announcements.

§ 2. The actions prescribed in the work plan may be carried out directly by the adopter, or, indirectly, by employees or subcontracted staff appointed by the adopter, and, in both cases, this must be carried out under the supervision of the Chico Mendes Institute.

CHAPTER III

OF THE PUBLIC NOTICE FOR ADOPTION

Article 9. The public announcement for the adoption, by means of donations of goods or services, must be executed by the Chico Mendes Institute, and must abide by the following phases:

- I – launching by publication of the public notice announcement;
- II – presentation of the adoption proposals;
- III - assessment, selection, and approval of the adoption proposals; and
- IV – ratification of the result.

§ 1. The public notice announcement must contain at least the following:

- I – the deadline and the form in which the adoption proposals must be submitted;
- II – the requirements for submitting adoption proposals;
- III – the terms and conditions required for private individuals and legal entities to make applications;
- IV – the schedule and the criteria for selecting and assessing the adoption proposals; and
- V – the draft text for the Statement of Adoption.

§ 2. In compliance with the features of the area which shall receive the donation, and further to ensure the effective promotion of the objectives set out in § 1 of Article 1, the public notice announcement must prioritise the most advantageous proposals for the public administration in accordance with the criteria set out beforehand.

§ 3. If proposals with equal values and objects are submitted, selection shall be made by means of draw, to be hosted in a public session.

Article 10. The public notice announcement for the adoption by means of donation of goods and services will be published on the electronic site of the Chico Mendes Institute.

§ 1. The notification of the launch of the public notice announcement must be published in the *Official Gazette of the Federative Republic of Brazil* at least ten working days ahead of the launch, calculated from the date of the public session for receiving adoption proposals.

§ 2. The public notice announcements are subject to impugnation by any private individual or legal entity within the deadline of five working days counted from the date of the publication of the announcement.

§ 3. Any impugnation referenced in Paragraph 2 unable to provide evidence of facts and of law, which hinder the donation of goods or services, must not be made public.

§ 4. Appeals against the final result of the public notice selection process may be lodged within five working days from the date of publication.

Article 11. Any private individual or legal entity, or groups of private individuals or legal entities, shall be eligible to apply provided they abide by the standards set out in the public notice announcement by submitting the required documents.

Article 12. The Chico Mendes Institute:

I – will receive the applications, analyse their compatibility with the terms set out in the public notice announcement, and make award or reject them; and

II – will assess the proposals in accordance with the criteria set out in the public notice, and select the most suitable proposals for the interests of the federal public administration.

Article 13. The ratification of the result of the public notice announcement by means of donations of goods or services must be made by the Chico Mendes Institute, and published in the *Official Gazette of the Federative Republic of Brazil*.

Article 14. The complementary rules and procedures of the adoption public notice announcement by means of donations of goods or services must be defined by the Chico Mendes Institute.

CHAPTER IV

OF THE FORMALISATION OF THE ADOPTION

Article 15. The adoption must be formalised by means of a Statement of Adoption, along with a work plan to be agreed between the Chico Mendes Institute and the adopter, which must contain at least the following:

I – the delimitation of the object;

II – the period of validity;

III – the estimate of goods and services to be donated by the adopter;

IV – the duties and benefits conferred upon the adopter;

V – the duties of the Chico Mendes Institute in cases of donations with charges and burdens;

VI – the estimate of objectives to be contemplated in the project;

VII – the minimum value of the donation, and an estimate of the value of the goods and services to be donated by the adopter; and

VIII – the applicable penalties.

§ 1. The Statement of Adoption must provide details on the following:

I – the responsibilities of the adopter and of the Chico Mendes Institute concerning the donated goods or services; and

II – the agreed work plan.

§ 2. The adopter must present the following:

I – a quarterly report containing a description of the donations; and

II – a schedule of the performance setting out the expenses and improvements implemented in the federal conservation unit.

Article 16. The Chico Mendes Institute must publicise the procedures, the adoption proposals, and the agreed statements of adoption, which must be available on their website.

Article 17. The fulfilment of the commitments agreed within the Statement of Adoption will be inspected by the Chico Mendes Institute, which may, in case of no compliance, apply penalties, revoke, or abrogate the Statement of Adoption.

Single Paragraph. The abrogation of the Statement of Adoption may be carried out by means of a written notice issued at least thirty days earlier:

I – on the initiative of the Chico Mendes Institute in the public interest; or

II – on the initiative of the adopter on account of an unforeseen supervening fact, duly reasoned.

Article 18. The Statement of Adoption shall be valid for a maximum period of five years, and may be extended by the Chico Mendes Institute, provided that the adopter expresses their irrevocable interest to do so, and in accordance with their performance in executing their duties.

Single Paragraph. In case of an extension, the work plan, and the counterparts may be reviewed.

Article 19. At the end of the validity period of the Statement of Adoption, on account of any reason whatsoever, the improvements ensuing from it must become an integral part of the federal public estate; without any right to retainers or compensation; and the adopter must remove any publicity of identifying elements referenced in Article 21, within thirty days from the end date of the validity of the Statement.

§ 1. The information regarding the implementation of the Statement of Adoption, including the data and details of the monitoring and studies, must be shared with the Chico Mendes Institute, and shall be the property of the Federative Republic of Brazil.

§ 2. If the improvements referenced in the Heading are made in private property areas, within the terms of the Single Paragraph of Article 5, the ownership of the movable goods will be of the Federal Republic of Brazil without any right to retainers or compensation for the adopter, and goods which cannot be detached without loss of their integrity will be incorporated to the estate of the property owner.

Article 20. Any expenses accruing from the adoption, including financial and taxes, shall be the responsibility of the adopter.

CHAPTER V

OF THE BENEFITS GRANTED TO THE ADOPTER

Article 21. The following benefits will be granted to the adopter, as an incentive, and in recognition of the contributions to the protection and development of the federal conservation unit:

I – the installation of identifying elements of the adopter within the federal conservation unit, or its surrounding areas, in accordance with the terms of the Statement of Adoption;

II – the insertion of the identification of the adopter in the signposts of the federal conservation unit;

III – the use, on the adopter's publicity actions, of the slogans 'A partner Company, 'A Partner' or 'A Partnership' of the adopted federal conservation unit, of the biome, or of the region in which the aforementioned unit is located, as set out by the public notice announcement, accompanied by the programme's official logo by the Ministry of Environment and the Chico Mendes Institute; and

IV – the use of the federal conservation unit to host temporary institutional activities in accordance with the terms contained in § 2 and § 3, in compliance with the terms set out in Law 9,985 of 2000 and in the management plan for the aforementioned unit.

§ 1. A ruling of the Chico Mendes Institute shall regulate the dimensions and visual specifications regarding the benefits set out in the Clauses I and III of the Heading.

§ 2. For the purpose of the terms set out in the present Decree, temporary institutional activities are those aimed at providing cultural, educational, sports, social, or community services to the population, which are not-for-profit and in the public interest, and do not entail commercial activities or product placement. The identification of the adopter is, however, authorised during the events.

§ 3. The hosting of temporary institutional activities and events will depend on a specific application, and advance authorisation from the Chico Mendes Institute as set out in a ruling of the said Institute.

§ 4. The public notice announcement may include a clause granting exceptional treatment enabling the adopter to host short-term publicity or promotion events, following prior analysis and authorisation from the Chico Mendes Institute.

§ 5. The benefits which are set out in the Heading must comply with the management plan of the federal conservation unit; and shall not be granted to the employees or subcontracted parties, in regard of Paragraph 2 of Article 8, or to any third party.

§ 6. The exploitation of the use of the image of the federal conservation unit may be pursued by means of the payment of a fee in accordance to the published regulations of the Chico Mendes Institute, within the terms set out in Article 33 of Law 9,985 of 2000.

Article 22. In case the adoption entails regeneration of, or substantial improvement to the federal conservation unit, and in accordance with the Statement of Adoption, permission must be granted for placing a commemorative identification element regarding the improvements made, without detriment to the terms set out in Article 20.

§ 1. The identification must contain the date of the implementation, the type of intervention, and the names of the individuals or legal entities responsible for the regeneration or improvement.

§ 2. The authorisation to place an identification will be of the competence of the Chico Mendes Institute, which will determine its dimensions if not previously established in specific guidelines or in the public notice announcement.

CHAPTER VI

OF THE PROHIBITIONS

Article 23. It is forbidden to receive adoptions or donations in the cases set out in the Article 23 of Decree 9,764 of 11th April 2019.

CHAPTER VII

FINAL PROVISIONS

Article 24. The adoption covered by the present Decree is not applicable to:

I – the modalities of exploitation set out in the Article 33 of Law 9,985 of 2000, which have not been objects of a specific regulation within the terms of the Paragraph 6 of Article 21 of the present Decree;

II – the circulation of third-party advertisements in the federal conservation units or its surrounding areas; and

III – the exploitation of other benefits which have not been set out in Article 21.

Single Paragraph. The cases set out in the Heading must comply with the terms of the specific law.

Article 25. The receipt of donations covered in the present Decree does not designate novation, payment, or settlement of the debts which the adopters or donors may owe to the Federative Republic of Brazil.

Article 26. The present Decree comes into force on the date of its publication.

Brasília, on 9th February 2021, 200th year of the Independence of Brazil and 133rd of the Republic.

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