

SETENA ORGANIC LAW OF THE ENVIRONMENT No. 7554

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREE:

CHAPTER GENERAL DISPOSITION

ARTICLE 1.- Objectives.

The present law will seek to equip Costa Ricans and the State with the instruments necessary to achieve a healthy and ecologically balanced environment.

The State, through the application of this law, shall defend and preserve that right, in seeks a greater welfare for all the inhabitants of the Nation. is defined as environment the system constituted by the different natural elements that integrate it and their interactions and interrelationships with the human being.

ARTICLE 2.- Principles.

The principles that inspire this law are the following:

- a) The environment is the common heritage of all the inhabitants of the Nation, with the exceptions established by the Political Constitution, the international conventions and laws. The State and individuals must participate in its conservation and sustainable use, which are useful public and social interest.
- b) Everyone has the right to enjoy a healthy and environmentally friendly environment sustainable development, as well as the duty to conserve it, according to the Article 50 of our Political Constitution.
- c) The State will ensure the rational use of the elements environmental measures, in order to protect and improve the quality of life of inhabitants of the national territory. Likewise, it is obliged to promote economic and environmentally sustainable development, understood as the development that meets basic human needs, without compromising the options of future generations.
- d) Whoever contaminates the environment or causes damage to it will be responsible, as established by the laws of the Republic and the agreements current international
- e) Damage to the environment constitutes a crime of a social nature, since it affects the bases of the existence of society; economic, because it attempts against the materials and resources essential for productive activities; cultural life, while endangering the way of life of communities, and ethical, because it goes against the very existence of the generations present and future.

The State will encourage, through its institutions, the implementation of a system of information with environmental indicators, aimed at measuring the evolution and correlation with economic and social indicators for the country.

ARTICLE 3.- Joint participation to meet objectives. The Government will set a harmonious and interrelated set of objectives, aimed at improve the environment and properly manage natural resources. To these objectives must be incorporated specific decisions and actions aimed at compliance, with the support of norms, institutions and procedures that allow achieve the functionality of those policies.

ARTICLE 4.- Purposes.

The purposes of this law are:

- a) To promote and achieve harmony between the human being and his environment.
- b) Satisfying basic human needs, without limiting the options of future generations.
- c) Promote the necessary efforts to prevent and minimize damage that can be caused to the environment.
- d) Regulate human behavior, individual or collective, and activity public or private with respect to the environment, as well as relationships and actions that arise from the use and environmental conservation.
- e) Establish the principles that guide the activities of the Public Administration in environmental matters, including mechanisms of coordination for efficient and effective work.

ARTICLE 5.- Institutional and legal support. To develop and apply the general principles of this law, the system will have the institutional and governmental agencies; also with the competencies that other laws assign to the other institutions of the State.

CHAPTER II CITIZEN PARTICIPATION

ARTICLE 6.- Participation of the inhabitants. The State and the municipalities will encourage the active and organized participation of inhabitants of the Republic, in the taking of decisions and actions tending to protect and improve the environment

ARTICLE 7.- Creation of the Regional Environmental Councils. The Regional Environmental Councils are created, attached to the Ministry of the Environment and Energy; as the highest decentralized regional body, with the participation of the civil society, for analysis, discussion, reporting and control of activities, the environmental programs and projects.

ARTICLE 8.- Functions.

The functions of the Regional Environmental Councils are the following:

- a) Promote, through activities, programs and projects, the greatest citizen participation in the analysis and discussion of policies environmental impacts that affect the region.
- b) Analyze, discuss and pronounce on the convenience and viability of the activities, programs and projects that in environment, promote the Ministry of Environment and Energy or any other another entity of the State.
- c) Address complaints in environmental matters and manage, before the organs relevant, the respective actions.
- d) Propose activities, programs and projects that promote sustainable development and the conservation of the environment in the region.

e) Develop and implement activities, programs and projects of education, that foster the foundations of a new attitude towards environmental problems and feel the basics to consolidate a environmental culture.

(NOTE: In relation to this article, see section 12 of Law No. 7575 of February 13, 1996).

ARTICLE 9.- Integration.

The Regional Environmental Councils will be integrated as follows:

- a) One of the provincial governors who serve the region, who will preside.
- b) A representative of the League of Municipalities.
- c) A representative of the ecological organizations.
- d) A representative of each of the Regional Councils related with the environment that they operate in the region.
- e) A representative of the student government of educational centers secondary schools located in the region.
- f) A representative of the business chambers that operate or are represented in the region.

ARTICLE 10.- Sessions of the Councils.

The Regional Environmental Councils will meet, in ordinary form, once a month and, in an extraordinary way, when they are summoned. Members will not perceive any type of remuneration, their work in the Council will be ad honorarium, they will last in their posts two years and may be re-elected.

(NOTE: In relation to this article, see section 12 of Law No. 7575 of February 13, February 1996).

ARTICLE 11.- Appointment of members.

The members of this Council will be chosen by the Ministry of Environment and Energy, of a short list that will be presented by the sectors mentioned in article 9 of this law.

CHAPTER III EDUCATION AND ENVIRONMENTAL RESEARCH

ARTICLE 12.- Education.

The State, municipalities and other institutions, public and private, will promote the permanent inclusion of the environmental variable in educational, formal and non-formal, of the programs of all levels. The object will be to adopt a culture environmental to achieve sustainable development.

ARTICLE 13.- Purposes of environmental education. Environmental education will relate environmental problems to concerns local and national development policy; In addition, it will incorporate the interdisciplinary approach and cooperation as the main solution formulas, aimed at promote the conservation and sustainable use of natural resources.

ARTICLE 14.- Participation of collective communication media. The state agencies in charge of dictating environmental policies will promote the creation of the necessary instruments so that the mass media, based on the social function they exercise, favor the formation of a culture to the sustainable development of the inhabitants of the Nation.

ARTICLE 15.- Investigations and technology.

The State and its institutions will permanently promote the realization of studies and Investigations on the environment. They will disseminate them and support the development and the appropriate application of modern and environmentally sound technologies.

ARTICLE 16.- Copies of research reports.

Without prejudice to intellectual property rights and what is provided by legislation. In effect, investigators are obliged to submit to the National Council of Research in Science and Technology, a copy of its final reports on environmental when your investigations:

- a) They have been financed totally or partially by the State.
- b) They are carried out in land or state facilities.
- c) They are carried out through national institutions or organizations and international organizations supported by the State.

CHAPTER IV ENVIRONMENTAL IMPACT

ARTICLE 17.- Environmental impact assessment.

Human activities that alter or destroy elements of the environment or generate waste, toxic or hazardous materials, will require an environmental impact assessment by the National Environmental Technical Secretariat created in this law. Your approval prior, on behalf of this body, will be an essential requirement to start the activities, works or projects. Laws and regulations will indicate which activities, Works or projects will require environmental impact assessment.

ARTICLE 18.- Approval and cost of evaluations.

The approval of the environmental impact assessments must be managed before the National Environmental Technical Secretariat; These evaluations must be carried out by a interdisciplinary team of professionals, registered and authorized by the Secretariat National Environmental Technique, in accordance with the guides elaborated by her. The cost of the environmental impact assessments will be borne by the interested party.

ARTICLE 19.- SETENA Resolutions.

The resolutions of the National Environmental Technical Secretariat must be founded and reasoned. They will be obligatory both for individuals, for entities and public organisms.

ARTICLE 20.- Compliance with resolutions.

The National Environmental Technical Secretariat will establish instruments and means to give follow-up on compliance with the resolutions of the environmental impact assessment. In cases of violation of its content, may order the work stoppage. He may interest, the author of the study and those who approve it will be, directly and severally, responsible for the damages that are caused.

ARTICLE 21.- Performance guarantee.

In all cases of activities, works or projects subject to impact evaluation environmental, the evaluating body will set the amount of the guarantee of compliance with the

environmental obligations that the interested party must perform. This guarantee will be up to one percent (1%) of the investment amount. When the activity does not require building infrastructure, the percentage will be fixed on the value of the land involved in the draft.

The guarantee must be of two types:

- a) Compliance during the design and execution of the project.
- b) Operating for the period, which can range from five to ten years, depending on the impact of the project and the risk of the population of its surroundings. The compliance guarantee will remain in force during the execution or operation of the work, the activity or the project and will be reviewed annually to adjust it to the requirements of environmental protection.

ARTICLE 22.- File of the evaluation.

Individuals, physical or legal, public or private, will have the right to be heard by the National Environmental Technical Secretariat, at any stage of the process evaluation and in the operative phase of the work or the project. The observations of the interested parties will be included in the file and valued for the final report. Within five business days of receipt of an impact evaluation environment, the National Environmental Technical Secretariat will send an extract of it to the municipalities in whose jurisdiction the work, activity or project will be carried out. Likewise, it will give profuse dissemination, through the mass media, to the list of studies submitted for your consideration.

ARTICLE 23.- Advertising of information.

The information contained in the record of the environmental impact assessment shall be public nature and will be available to be consulted by any person or organization. However, interested parties may request that information be kept in reserve integrated into the study, if published will affect industrial property rights.

ARTICLE 24.- Consultation of files.

The technical criteria and weighting percentages to analyze the studies of environmental impact by the National Environmental Technical Secretariat, should be public knowledge

CHAPTER V PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT IN HUMAN SETTLEMENTS

ARTICLE 25.- Integration of programs.

The competent authority shall take the necessary measures so that the programs of public health aimed at the population coincide with those aimed at the human environment, order to achieve better comprehensive health.

ARTICLE 26.- Priority actions.

The competent authority shall give priority to actions aimed at the protection and improvement of the human environment. For it,

- a) Promote permanent scientific research in the field of environmental epidemiology.
- b) Ensure the control, prevention and dissemination of physical factors, chemical, biological and social factors that affect the physical, psychological and of the population and the environmental balance.
- c) Promote the establishment of communal green areas and

recreation, necessary for the healthy and spiritual enjoyment of resident's in the human settlements.

ARTICLE 27.- Criteria.

To protect and improve the human environment, the following aspects will be considered fundamentals:

- a) Buildings.
- b) Work centers.
- c) Toxic or hazardous substances and wastes in general.
- d) Products and materials that come into direct contact with the body human.
- e) Fauna harmful to man.
- f) Activities or social factors unsuitable for the development human.

CHAPTER VI TERRITORIAL ORDINATION

ARTICLE 28.- Policies of territorial ordering.

It is a function of the State, municipalities and other public entities, to define and execute national policies of territorial organization, tending to regulate and promote human settlements and the economic and social activities of the population, as well as physical-spatial development, in order to achieve harmony between the greater well-being of the population, the use of natural resources and the conservation of the environment.

ARTICLE 29.- Purposes.

For land use planning in terms of sustainable development, the following will be considered: following purposes:

- a) Locate, in an optimal way, within the national territory the activities productive areas, human settlements, areas of public use and recreational, communication and transport networks, wilderness areas and other vital infrastructure works, as energy units and irrigation and drainage districts.
- b) Serve as a guide for the sustainable use of the elements of the environment.
- c) Balance the sustainable development of the different zones of the country.
- d) Promote the active participation of the inhabitants and society organized, in the preparation and implementation of the plans for territorial planning and in the regulatory plans of cities, for achieve the sustainable use of natural resources.

ARTICLE 30.- Criteria for ordering.

For the ordering of the national territory, the following will be considered, among others, criteria:

- a) Respect for the cultural, historical and social characteristics of the human populations involved and their current distribution over the territory.
- b) Population and resource projections.
- c) The characteristics of each ecosystem.
- d) Natural, renewable and non-renewable resources, activities economic conditions, the capacity to use the land and the zoning by agricultural products and activities, on the basis of ecological and productive considerations.
- e) The effect of human activities and natural phenomena on the ambient.

- f) The balance that must necessarily exist between the settlements humans and their environmental conditions.
- g) The diversity of the landscape.
- h) The existing infrastructure.

ARTICLE 31.- Urban development.

For the provisions of article 29 above, the development and reordering of cities, through the intensive use of urban space, in order to release and conserve resources for other uses or for future residential expansion.

CHAPTER VII PROTECTED WILD AREAS

ARTICLE 32.- Classification of protected wild areas. The Executive Power, through the Ministry of Environment and Energy, may establish wild protected areas, in any of the management categories that are established and in which they are indicated next:

- a) Forest reserves.
- b) Protective areas.
- c) National parks.
- d) Biological reserves.
- e) National wildlife refuges.
- f) Wetlands.
- g) Natural monuments.

Those management categories and those created in the future will be administered by the Ministry of Environment and Energy, except those established in article 33 of this law. The municipalities must collaborate in the preservation of these areas

ARTICLE 33.- Natural monuments.

Natural monuments are created as areas containing one or more elements natural of national importance. Consist of places or natural objects that, due to their unique or exceptional character, its scenic beauty, or its scientific value, is resolved incorporate them into a protection regime. The natural monuments will be created by the Ministry of Environment and Energy and administered by the respective municipalities.

ARTICLE 34.- Preventive measures.

In protected wild areas owned by the State, it corresponds to the Ministry of Environment and Energy, adopt appropriate measures to prevent or eliminate, so soon as possible, the use or occupation in the whole area and to enforce the ecological, geomorphological and aesthetic characteristics that have determined its establishment.

ARTICLE 35.- Objectives.

The creation, conservation, administration, development and monitoring of the areas protected, will have as objectives:

- a) Conserve the representative natural environments of the different biogeographic regions and the most fragile ecosystems, to ensure balance and the continuity of evolutionary and ecological processes.
- b) Safeguard the genetic diversity of the wild species of which depends on evolutionary continuity, particularly endemic ones, threatened or in danger of extinction.

- c) Ensure the sustainable use of ecosystems and their elements, encouraging the active participation of neighboring communities.
- d) Promote scientific research, the study of ecosystems and their balance, as well as knowledge and technologies that allow the sustainable use of the country's natural resources and their conservation.
- e) Protect and improve the aquifers and watersheds, to reduce and avoid the negative impact that its mishandling can cause.
- f) Protect the natural and landscape environments of the sites and centers historical and architectural sites, national monuments, sites archaeological sites and places of historical and artistic interest, importance for culture and national identity.

ARTICLE 36.- Requirements to create new areas.

To create protected wild areas owned by the State, whatever the category of management that he establishes, must be fulfilled previously with the following thing:

- a) Preliminary physiogeographic studies of biological diversity and socio-economic, that justify it.
- b) Definition of objectives and location of the area.
- c) Technical feasibility study and land tenure.
- d) Minimum financing to acquire the area, protect it and manage it.
- e) Preparation of plans.
- f) Issuance of the law or the respective decree.

ARTICLE 37.- Powers of the Executive Power.

By establishing protected wild areas, regardless of their management category, the Executive, through the Ministry of Environment and Energy, is empowered to include, within its limits, the particular farms or parts of farms needed to comply with the objectives set forth in this law and to implement them in accordance with the respective management plan or create the legal easements for ecological protection and compliance with this law. In the case of national parks, biological reserves or national living refuges wild lands, the land will be acquired by purchase, expropriation or both procedures, after compensation. In cases of forest reserves, areas protective, mixed and humeral wildlife refuges, farms or their parts they may also be purchased or expropriated, unless, at the request of the owner, submit voluntarily to the forest regime. That subjection will be registered in the Registry Public Property, as an affectation to the property, which will be maintained during the time established in the management plan. The private farms affected according to the provisions of this article, because they are in national parks, biological reserves, wildlife refuges, forest reserves and Protective areas will be included in the protected wild areas State, only from the moment in which your payment has been legally made or expropriation, except when they voluntarily submit to the forest regime.

(This paragraph is amended by article 72, subsection c), of Forest Law No.7575 of the February 13, 1996).

The Executive Power is empowered to, through the Ministry of Environment and Energy, carry out the expropriations, contemplated in this article, in accordance with the established in the Expropriation Law No. 7495, of May 3, 1995.

ARTICLE 38.- Reduction of protected wild areas

The surface of protected wild areas, natural heritage of the State, any be its management category, it can only be reduced by Law of the Republic, after carry out the technical studies that justify this measure.

CHAPTER VIII MARINE, COASTAL AND WETLAND RESOURCES

ARTICLE 39.- Definition of marine and coastal resources. It is understood by marine and coastal resources, the waters of the sea, the beaches, the beaches and the coastal strip, the bays, the coastal lagoons, the mangroves, the coral reefs, seagrasses, that is to say seagrass meadows, estuaries, beauties Scenic and natural resources, living or not, contained in the waters of the territorial sea and heritage, the contiguous zone, the exclusive economic zone, the continental shelf and its insular socket.

ARTICLE 40.- Definition of wetlands.

Wetlands are ecosystems that depend on aquatic, natural or artificial, permanent or temporary, lentic or lotic, sweet, brackish or salty, including marine extensions to the later limit of marine phanerogams or coral reefs or, in its absence, up to six meters deep at low tide.

ARTICLE 41.- Public interest.

Wetlands and their conservation are declared of public interest, because they are of multiple use, whether or not they are protected by the laws that govern this matter.

ARTICLE 42.- Delimitation of protected areas.

The Ministry of Environment and Energy, in coordination with the competent institutions, may delimit protection zones of certain marine, coastal and wetlands, which will be subject to planning and management plans, in order to prevent and combat pollution or degradation of these ecosystems.

ARTICLE 43.- Works and infrastructure.

The works or infrastructure will be constructed in a way that does not damage ecosystems cited in articles 51 and 52 of this law. If there is possible damage, a environmental impact assessment.

ARTICLE 44.- Obligatory nature of the evaluation.

To carry out activities that affect any of the ecosystems mentioned in the Articles 51 and 52 of this law or threaten life within a habitat of that nature, the Ministry of Environment and Energy will require the interested party to carry out an impact evaluation environmental.

ARTICLE 45.- Prohibition.

Activities aimed at disrupting the natural cycles of wetland ecosystems, such as the construction of dams that prevent the flow of water marine or continental, drainage, drying, filling or any other alteration that cause the deterioration and elimination of such ecosystems.

CHAPTER IX BIOLOGICAL DIVERSITY

ARTICLE 46.- Sovereignty of the State over biological diversity. The State will exercise sovereignty over biological diversity, as part of its natural heritage. Activities aimed at preserving, improving and, as far as possible, to recover the biological diversity of the national

territory; also the aimed at ensuring its sustainable use. To execute them, the parameters defined by the Executive Power, as well as the following criteria:

- a) The protection and conservation of natural ecosystems, the diversity of species, genetic diversity in the national territory and the monitoring of reproduction areas.
- b) The management of integrated biological diversity in the planning of any activity related to the elements of the environment.
- c) The protection and development of breeding techniques of species endemic, endangered or endangered, to recover its stability population
- d) The use of research and monitoring to define strategies and programs for the protection and management of habitats or species.
- e) The promotion of the strengthening and promotion of biological stations for the study, recovery and repopulation of wild species of flora and fauna.
- f) The controlled reproduction of wild species for scientific purposes, social and economic

ARTICLE 47.- Activities of public interest.

Research, exploitation and commercialization of biological diversity should be recognized as activities of public interest. The exploitation and marketing of wild flora and fauna as public domain assets will be regulated by the State.

CHAPTER X FOREST RESOURCE

ARTICLE 48.- Duty of the State.

It is the obligation of the State to conserve, protect and manage the forest resource. For those effects, the law that is issued must regulate the production, the exploitation, industrialization and the promotion of these resources, guaranteeing their use sustainable development, as well as the generation of employment and the improvement of the standard of living of social groups directly related to silvicultural activities.

CHAPTER XI AIR

ARTICLE 49.- Use.

Air is common heritage and must be used without damaging the general interest of the inhabitants of the Nation. For that end,

- a) The air quality, throughout the national territory, must satisfy, so less, the permissible levels of contamination set by the standards corresponding.
- b) Direct or indirect emissions, visible or invisible, from atmospheric pollutants, particularly gases of effect greenhouse gases and those that affect the ozone layer, should be reduced and controlled, so as to ensure good air quality.

CHAPTER XII WATER

ARTICLE 50.- Public domain of water. Water is in the public domain, its conservation and sustainable use are of social interest.

ARTICLE 51.- Criteria.

For the conservation and sustainable use of water, the following should be applied, among others: following criteria:

- a) Protect, conserve and, where possible, recover aquatic ecosystems and the elements that intervene in the hydrological cycle.
- b) Protect the ecosystems that allow regulating the water regime.
- c) Maintain the equilibrium of the water system, protecting each of the components of watersheds.

ARTICLE 52.- Application of criteria.

The criteria mentioned in the previous article should be applied: a) In the preparation and execution of any order of the resource water

- b) In the granting of concessions and permits to take advantage of any component of the water regime.
- c) In the granting of authorizations for deviation, transfer or modification of channels.
- d) In the operation and administration of drinking water systems, the collection, evacuation and final disposal of wastewater or wastewater waste, that serve population and industrial centers.

CHAPTER XIII FLOOR

ARTICLE 53.- Criteria.

To protect and exploit the soil, the following criteria will be considered, among others:

- a) The proper relationship between potential use and economic capacity of the soil and the subsoil.
- b) The control of practices that favor erosion and other forms of degradation.
- c) The practices or works of soil and water conservation that prevent the deterioration of the soil.

ARTICLE 54.- Application of criteria.

The criteria to protect and exploit the soil will be considered:

- a) In the determination of land uses, reserves and destinations.
- b) In the support services, credit, technical or research, that the Public Administration grants to the activities linked to land use.
- c) In the plans, programs and projects of conservation and use of the soils.
- d) In the granting, modification, suspension or revocation of permits, concessions or any other type of authorization on the use of soil and subsoil.

ARTICLE 55.- Restoration of soils.

The State must encourage the execution of land restoration plans in the territory national.

CHAPTER XIV ENERGETIC RESOURCES

ARTICLE 56.- Role of the State.

Energy resources are essential factors for the sustainable development of the country. The State will maintain a preponderant role and will dictate the general and particular, related to research, exploration, exploitation and development of those resources, based on the provisions of the National Development Plan.

ARTICLE 57.- Use of resources.

The use of energy resources must be carried out rationally and efficient, in such a way that the environment is conserved and protected

ARTICLE 58.- Alternate energy sources.

To promote sustainable economic development, the competent authority will evaluate and promote the exploration and exploitation of alternative sources of energy, renewable and environmentally healthy.

CHAPTER XV CONTAMINATION

ARTICLE 59.- Pollution of the environment.

Pollution means any alteration or modification of the environment that may harming human health, threatening natural resources or affecting the environment in general of the Nation. The discharge and emission of pollutants will be adjusted, mandatory, to the technical regulations that are issued. The State will adopt the measurements that are necessary to prevent or correct environmental pollution.

ARTICLE 60.- Prevention and control of pollution.

To prevent and control pollution of the environment, the State, municipalities and other public institutions, will give priority, among others, to the establishment and operation of adequate services in areas fundamental to environmental health, such as:

- a) The supply of water for human consumption.
- b) The sanitary disposal of excreta, sewage and rainwater.
- c) The collection and management of waste.
- d) The control of atmospheric pollution.
- e) The control of sonic contamination.
- f) The control of chemical and radioactive substances.

These services will be provided in the way that specific laws and regulations will determine, seeking the participation of the population and their organizations.

ARTICLE 61.- Environmental contingencies.

The competent authority shall dictate the necessary preventive and corrective measures when Contingencies occur due to environmental contamination and others that are not contemplated in this law.

ARTICLE 62.- Air pollution.

It is considered pollution of the atmosphere presence in it and in concentrations above the permissible levels set, of solid particles, dust, smoke, steam, gases, bad odors, radiations, noise, imperceptible acoustic waves and other agents of contamination that the Executive Power defines as such in the regulation.

ARTICLE 63.- Prevention and control of the deterioration of the atmosphere. To avoid and control atmospheric deterioration, the Executive Power, after consulting with the representative bodies of the productive sector, will issue the technical standards corresponding and will require the installation and operation of adequate systems and equipment to prevent, reduce and control emissions that exceed the permissible limits.

ARTICLE 64.- Prevention of water pollution.

To avoid water contamination, the competent authority will regulate and control that management and use do not alter the quality and quantity of this resource, according to the limits set in the corresponding standards.

ARTICLE 65.- Wastewater treatment

Wastewater of any origin should receive treatment before being unloaded in rivers, lakes, seas and other bodies of water; In addition, they must reach quality established for the receiving body, according to its current and potential use and for its future use in other activities.

ARTICLE 66.- Responsibility for the treatment of discharges.

In any management and use of water susceptible to produce pollution, the responsibility for the treatment of the spills will correspond to whoever produces the contamination. The competent authority will determine the appropriate technology and will establish the necessary terms to apply it.

ARTICLE 67.- Contamination or deterioration of hydrographic basins.

Individuals, physical or legal, public or private, will be obliged to adopt the appropriate measures to prevent or minimize pollution or sanitary deterioration of watersheds, according to the classification of current and potential water use.

ARTICLE 68.- Prevention of soil contamination.

It is the obligation of individuals, physical or legal, public or private, to avoid soil contamination by accumulation, storage, collection, transport or inadequate final disposal of waste and toxic or dangerous substances of any kind nature.

ARTICLE 69.- Disposal of polluting waste.

In the management and utilization of the soils, the disposition of the waste that constitutes a source of contamination. Productive activities will avoid discharges, deposits or infiltration of contaminating substances or materials in the soil. When the disposal of polluting waste can not be avoided, the necessary corrective measures determined by the competent authority. When appropriate, the State, the municipalities and the private enterprise will promote recovery and proper treatment of waste to obtain other products or byproducts.

ARTICLE 70.- Import of waste.

It is prohibited to import waste of any nature, whose sole purpose is your deposit, storage, confinement or final disposal, as well as the transfer of waste dangerous and toxic in the Costa Rican territory. This prohibition will not apply when waste, indicated in the regulations of this law, are to be recycled or reused, except for radioactive or toxic waste that will not be allowed to enter.

ARTICLE 71.- Visual pollution.

Visual pollution, actions, works or installations that exceed, will be considered in temporary or permanent damage to the landscape, the maximum limits allowed by the technical standards established or to be issued in the future.

The Executive Power will dictate the appropriate measures and will promote their execution through the agencies, public entities and municipalities, to prevent this type of contamination.

ARTICLE 72.- Conservation of the landscape.

The competent authority shall encourage the public and private sectors to participate in the landscape conservation. When a work needs to be affected, the landscape The result must be, at least, of the same quality as the previous one.

CHAPTER XVI ECOLOGICAL PRODUCTION

ARTICLE 73.- Ecological agriculture.

Organic farming will be understood as using methods and systems compatible with protection and ecological improvement without using inputs or synthetic products chemistry. Organic or biological agriculture is synonymous with organic farming. The State will promote ecological or organic agriculture, as a complementary activity to agriculture and traditional agroindustry. The Ministry of Agriculture and Livestock It will be the governing body of policies for this sector. Through the respective Directorate, monitor and control compliance with established rules and procedures for this sector. It will also include the registration and control of the agencies of product certification. Scientific research and technology transfer will be promoted so that this sector can be developed by private means. This option will contribute to the development sustainable, to stop the consequences in the misuse of agrochemicals, the environmental pollution and the deterioration of ecological resources.

ARTICLE 74.- Certifications.

To qualify a product as organic, you must have a certification granted by a national or international agency accredited before the Costa Rican State For the ecological production in farms or the elaboration of goods and products in plants industrial, certification from an accredited agency will be required. In the processing or development of organic goods, both raw materials and additives and the secondary components, must also be certified.

ARTICLE 75.- Organic products or in transition

To qualify as organic an agricultural product or a plot, you should not have applied chemical synthesis products for at least three years. Otherwise, it can only be classified as a product in transition until it complies the three years required. Regarding the qualification of organic products or in transition, the standards dictated by the international organizations of the ecological production.

ARTICLE 76.- National Commission of Ecological Agriculture.

The National Ecological Agriculture Commission is created as an advisory body to the Ministry of Agriculture and Livestock. It will be integrated by the following members fee:

- a) A representative of the Ministry of Agriculture and Livestock, who will preside.
- b) A representative of the state universities, with experience in the transfer of technology for organic agriculture and linked to it.
- c) Three representatives of the organizations of organic producers of Costa Rica, who meet the requirements to qualify as such in accordance with the regulations of this law and its regulations.

- d) A representative of the business chambers, who develop projects or programs to promote organic agriculture.
- e) A representative of organic certification agencies, accredited before the corresponding instance in the Ministry of Agriculture and Livestock.

CHAPTER XVII

ADMINISTRATIVE ORGANIZATION

ARTICLE 77.- Creation of the National Environmental Council.

The National Environmental Council is created as a deliberative and consultative body, with Advisory functions to the President of the Republic in environmental matters.

ARTICLE 78.- Functions.

The following will be functions of the National Environmental Council:

- a) Analyze, prepare and recommend general policies for the use sustainable use of natural resources and the environment in general, as well as government actions related to those fields.
- b) Recommend environmental policies within the processes of planning for development, in order to ensure the conservation of the global environment.
- c) Promote the development of systems and means that guarantee the conservation of the elements of the environment, to integrate them into the process of sustainable development, with the organized participation of the communities.
- d) Recommend and promote development policies in accordance with the principles established in this law, to incorporate the environmental variable in the process of socioeconomic development in short, medium and long term.
- e) Propose and promote policies for the development of research scientific and technological, oriented to the sustainable use of the elements environmental
- f) To know and approve the reports and the annual work program of the Executive Secretariat of the Council.
- g) Promote the relevant legal reforms in environmental matters.
- h) Prepare the annual report on the state of the Costa Rican environment.
- i) Dictate its regulations.
- j) The necessary tasks for the best fulfillment of its purposes.

ARTICLE 79.- Integration

The National Environmental Council will be integrated by:

- a) The President of the Republic or, on his behalf, the Minister of Presidency, who will preside over it.
- b) The Minister of National Planning and Economic Policy.
- c) The Minister of Environment and Energy.
- d) The Minister of Health.
- e) The Minister of Agriculture and Livestock.
- f) The Minister of Public Education.
- g) The Minister of Science and Technology.

To fulfill its purposes, the Board may call the participation of any other minister, adviser, presidential adviser or hierarch of decentralized entities or companies public.

ARTICLE 80.- Sessions

The Council will meet ordinarily once a month and, extraordinarily, when the President summon it. Minutes will be drawn up of the matters dealt with in each session. ARTICLE 81.- Executive Secretariat. The Executive Secretariat of the Council will correspond to the Minister of Environment and Energy, who will set the agendas, will follow up on the agreements adopted by the Council and the will evaluate permanently. Likewise, it will support the other members in the preparation of papers and technical materials that support the issues to be discussed.

ARTICLE 82.- Functions of the Executive Secretariat.

The Executive Secretariat of the Council will have the following functions:

- a) Ensure the execution and compliance with general policies and other agreements adopted by the Council in compliance with its functions.
- b) Coordinate actions aimed at the formulation and execution of programs that, in environmental matters, develop entities and bodies of the State.
- c) Inform the Board about the progress of the actions on the matter environmental, developed by the entities and organs of the State.
- d) Prepare the reports and the annual work program of the Secretariat Executive and submit them in a timely manner to the knowledge and approval of the Advice.
- e) Prepare and keep the minutes of the Council.
- f) Any other necessary ones assigned by the Board, in accordance with the law.

ARTICLE 83.- Creation of the National Environmental Technical Secretariat. The National Environmental Technical Secretariat is created, as a deconcentration body of the Ministry of Environment and Energy, whose fundamental purpose will be between others harmonize the environmental impact with the productive processes.

ARTICLE 84.- Functions of the Technical Secretariat.

The functions of the National Environmental Technical Secretariat are the following:

- a) Analyze the environmental impact assessments and resolve them within the terms provided by the General Law of Public Administration.
- b) Recommend the necessary actions to minimize the impact on the medium, as well as the technically convenient to recover it.
- c) To attend and investigate the complaints that are presented to him regarding the degeneration or environmental damage.
- d) Carry out the corresponding field inspections before issuing their agreements.
- e) Approve and submit reports of work to the Minister of the Environment and Energy, in its capacity as Executive Secretary of the Board.
- f) Prepare guidelines for activities, works and projects for the evaluation of environmental impact, as well as managing its disposition and disclosure.
- g) Recommend, to the Council, through the Minister of Environment and Energy, policies and draft laws on the environment, arising from the sectors of government activity.
- h) Set the amounts of the guarantees to comply with the obligations environmental issues, which must be deposited by those interested, with due periodicity and the amount of the deals. To perform these guarantees, the provisions of the regulations of the Administrative Contracting.
- i) Perform monitoring tasks and ensure the execution of the

resolutions.

- j) Establish trusts, as stipulated in clause d) of the article 93 of this law.
- k) Any other functions necessary to fulfill its purposes.

ARTICLE 85.- Integration of the Technical Secretariat.

The National Environmental Technical Secretariat will be composed of the following members:

- a) A representative of the Minister of Environment and Energy, who will be the General secretary.
- b) A representative of the Ministry of Health, with specialization in sanitary engineering.
- c) A representative of the Costa Rican Institute of Aqueducts and Sewerage, with specialty in hydrology.
- d) A representative of the Ministry of Agriculture and Livestock, with specialty in agronomy.
- e) A representative of the Ministry of Public Works and Transportation, with specialty in civil engineering.
- f) A representative of the Costa Rican Electricity Institute, with specialty in energy development.
- g) A representative of the state universities, specialized in biology. The institutions listed in this article are authorized so that they can highlight permanently to his representative in the National Environmental Technical Secretariat. When required, this Secretariat may request technical assistance from other institutions of the State.

The resolutions will be taken by simple majority of its members.

ARTICLE 86.- Efficiency.

The National Environmental Technical Secretariat shall respond to the needs of efficiency and effectiveness in the analysis of environmental impact assessments, conformity with specific, feasible and functional standards for the conservation of environment oriented towards sustainable development.

ARTICLE 87.- Resources.

There will be recourse to revoke the firm agreements of the National Technical Secretariat

Environmental and appeal before the Minister of Environment and Energy, in accordance with what is established by the General Law of Public Administration.

ARTICLE 88.- Regulation and officials.

The members of the National Environmental Technical Secretariat will be officials of full time, with exclusive dedication and prohibition to exercise their personal, professional or private activities. They will be appointed for six years and should be divided into two groups so that half of its members are chosen in the middle period. Its deliberations and resolutions shall be adopted in a plenary committee, conformity with the internal operating regulations that the Executive Power will issue within three months, counted from the effectiveness of this law. Its removal only may be agreed upon when there is a serious fault or breach of what is established by this other laws

ARTICLE 89.- Inspections.

The members of the National Environmental Technical Secretariat must carry out inspections to verify compliance with the legal and regulatory provisions in the matter, as well as the resolutions dictated by this Secretariat. These inspections should be carried out periodically or when the competent authorities consider it convenient. A record shall be drawn up of all inspections.

ARTICLE 90.- Duties and labor rights of the members.

The members of the National Environmental Technical Secretariat will be subject to the same obligations and enjoy the same labor rights as the institution to which they belong

ARTICLE 91.- Contribution of resources.

The National Environmental Technical Secretariat will have a technical-administrative unit and the institutions represented in the Secretariat must provide human resources and logistics for its normal operation. To do this, reservations must be made corresponding budgetary

CHAPTER XVIII FINANCING

ARTICLE 92.- Budget for the Technical Secretariat. To comply with the purposes of this law, the Executive Power will include, in the Budget National of the Republic, the budgetary reserves required for the operation of the National Environmental Technical Secretariat.

ARTICLE 93.- Creation of the National Environmental Fund.

To achieve the purposes of this law and to finance the development of the programs of the National Environmental Technical Secretariat, the National Environmental Fund is created, whose resources will constitute them:

- a) Legacies and donations.
- b) Contributions from national and international organizations, private or public, in accordance with the respective agreements.
- c) Guarantees of compliance executed, which are received based on the established in this law.
- d) Funds placed in trust, coming from agreements of international loans to finance activities or projects related to the environment.
- e) Income from the sale of impact evaluation guides environmental, publications and other documents necessary to comply for the purposes of this law.

ARTICLE 94.- Use of resources.

The resources of the Fund may be used to contract personal services in a temporary, and non-personal services; acquire materials, supplies, machinery, equipment, vehicles, spare parts and accessories; buy real estate and pay for buildings, additions, improvements, current capital transfers and global allocations and, in general, to develop the programs of the National Environmental Technical Secretariat;

A) Yes, as to defray the costs incurred by the competent authority in carrying out the works or the activities referred to in article 97 of this law.

ARTICLE 95.- Administration and supervision of the Fund.

The amounts collected will be remitted to the single cashier of the State. The Ministry of Environment and Energy, through the National Environmental Technical Secretariat, shall submit annually to the Ministry of Finance the preliminary draft budget of those resources, to comply with the programming of current capital expenditures and objectives fixed in this law. On a quarterly basis, the Ministry of Finance will make the transfers or the Disbursements of all the resources collected to the National Environmental Fund. In case of non-compliance with the provisions of the preceding paragraph, the Ministry of Environment and Energy, through the National Environmental Technical Secretariat, will require the National Treasurer or, failing that, your superior, to comply with this provision. If you do not proceed, you will respond personally and the provisions of article 330 of the Criminal Code. The income that, according to this law, is part of the National Environmental Fund, they will be deposited in a patrimonial fund of the National Banking System. To fulfill the functions indicated in this law, that Ministry, through the National Environmental Technical Secretariat, may sign the administration contracts what it requires

ARTICLE 96.- Deposit of the funds.

The resources that are not used in the current period will be constituted in surplus of the Fund and may be used, through budget modification, according to the objectives fixed in this law.

ARTICLE 97.- Authorization to contribute.

The State institutions and municipalities are authorized to include, in their budgets, the annual items that they deem appropriate for the purpose of contribute to the programs and projects of the National Environmental Technical Secretariat.

CHAPTER XIX SANCTIONS

ARTICLE 98.- Imputation for damage to the environment. Damage or contamination to the environment can be caused by behaviors of action or omission and they are imputable to all natural or legal persons that carry it out.

ARTICLE 99.- Administrative sanctions.

Faced with the violation of environmental protection regulations or harmful behavior to the environment clearly established in this law, the Public Administration will apply the following protective measures and sanctions:

- a) Warning by notifying that a claim exists.
- b) Warning according to the seriousness of the violations and a once checked.
- c) Execution of the compliance guarantee, granted in the evaluation of environmental impact.
- d) Restrictions, partial or total, or order of immediate paralysis of the acts that originate the complaint.
- e) Total or partial, temporary or definitive closure of the acts or events that provoke the complaint.

- f) Partial, total, permanent or temporary cancellation of permits, patents, premises or companies that cause the complaint, the act or the pollutant or destructive fact.
- g) Imposition of compensatory or stabilizing obligations of the environment or biological diversity.
- h) Modification or demolition of buildings or works that damage the ambient.
- i) Alternatives for compensation of the sanction, such as receiving courses educational programs in environmental matters; In addition, work on construction sites communal in the area of the environment. These sanctions may be imposed on individuals or public officials, by actions or omissions in violation of the rules of this law, other protection provisions environmental or biological diversity.

ARTICLE 100.- Applicable legislation.

The criminal legislation, the Penal Code and the special laws will establish the figures corresponding crimes to protect the environment and biological diversity.

ARTICLE 101.- Responsibility of the offenders.

Without prejudice to the responsibilities of another nature that may result as participants in any of its forms, the cause of the infractions to this law or those that regulate the protection of the environment and biological diversity, be people physical or legal, will be civilly and jointly and severally liable for the damages and losses caused. In solidarity, the owners of the companies or activities where the damages are caused, either by action or by omission. The same responsibility shall correspond to the professionals and public officials who subscribe an environmental impact assessment against legal provisions or prevailing technical standards or do not follow up due to the process, originating a damage to the environment or biological diversity.

CHAPTER XX THE ENVIRONMENTAL COMPTROLLER

ARTICLE 102.- Comptroller of the Environment.

The position of Comptroller of the Environment, attached to the office of the Minister of the Environment and Energy, who will name it. Your task will be to monitor the correct application of objectives of this law and those that, by their nature, correspond to it. It will be obliged to report any violation of this law and the related, before the Environmental Prosecutor's Office and the Maritime Terrestrial Zone, as well as before the Ministry Public.

CHAPTER XXI ADMINISTRATIVE ENVIRONMENTAL COURT

ARTICLE 103.- Creation of the Administrative Environmental Tribunal. An Administrative Environmental Tribunal is created, with headquarters in San José and competition in all the national territory. It will be a decentralized body of the Ministry of Environment and Energy, with competence exclusive and functional independence in the performance of its attributions. Your failures they exhaust the administrative route and their resolutions will be of strict compliance and required.

ARTICLE 104.- Integration of the Court.

The Administrative Environmental Tribunal shall be composed of three proprietary members and three alternates, all appointed by the National Environmental Council, for a period of six years. They will be sworn in by the President of this Council.

ARTICLE 105.- Requirements of the members of the Court. To be a member of the Administrative Environmental Tribunal, you must be a professional with experience in environmental matters. An owner member and his respective substitute, they must be lawyers. Members must work full time and be people who, because of their background, professional titles and recognized competence in the field, be a guarantee of impartiality and success in the performance of their duties. Annually, this Court he will elect from his bosom a president, a vice president and a secretary. The internal regulation regulate its replacement by the substitutes.

ARTICLE 106.- Legal principles.

The Administrative Environmental Tribunal shall perform its functions subject to the principles of orality, officiality, speed and immediacy of the test. You will have to adjust its performance to the procedure and the operating rules established in this code and, additionally, to the General Law of Public Administration, Book

Second, Chapter "Of the Ordinary Procedure".

ARTICLE 107.- Content of the denunciation.

The complaint must contain:

- a) The name and address of the complainant and the complainant, if known.
- b) The facts or acts carried out against the environment.
- c) Tests, if they exist.
- d) Indication of the place for notifications.

ARTICLE 108.- Procedure of the Court.

Upon receipt of the complaint, the Court will identify the complainant and will always hear the person who may affect the outcome of the complaint, unless the seriousness of the fact denounced merits immediate action. Subsequently, you can notify the result.

The Administrative Environmental Tribunal will collect the necessary evidence to find out the real truth of the facts denounced. The parties or their representatives and their attorneys will have access to the relevant proceedings to the complaint processed before the Administrative Environmental Tribunal, including the minutes where the investigation of the infractions is recorded. They can consult them without further demands that the justification of their identity or personality.

ARTICLE 109.- Advice to the Court. The Administrative Environmental Tribunal has the obligation to obtain advice from the Secretariat National Environmental Technique, when the case raised in the complaint so merits. Also, you can be advised by any agency, national and international or by natural or legal persons.

ARTICLE 110.- Celerity of the procedure.

Of ex officio, the Administrative Environmental Tribunal shall promote the procedure and the

processing of the matters of its competence, with the speed required by the situation affected. The ruling must be issued within a term of no more than thirty days; in special cases, the term may be extended for up to thirty more days. The obligation of the administration to give a prompt and fulfilled answer is established.

ARTICLE 111.- Jurisdiction of the Court

The Administrative Environmental Tribunal shall be competent to:

- a) To know and resolve, in administrative headquarters, the established complaints against all persons, public or private, for violations of the protective legislation on the environment and natural resources.
- b) Know, process and resolve, ex officio or at the request of a party, the complaints regarding active and omitted behavior that violate or threaten to violate the rules of environmental protection legislation and natural resources.
- c) Establish, through administrative channels, the compensation that may be originate in relation to the damages caused by violations of the protective legislation on the environment and natural resources.
- d) The decisions of the Administrative Environmental Tribunal shall be irretrievable and will consider the administrative route exhausted.

ARTICLE 112.- Deadlines for the Court.

The procedure before the Administrative Environmental Court will not be subject to any formality. The complaint may be filed by any means of communication, including oral. When it is not written, it must be ratified during the following eight calendar days. Presented the complaint to an authority other than the Environmental Court Administrative, this must be sent to the Court for its attention and proceeding in a term no greater than three days.

CHAPTER XXII FINAL PROVISIONS

ARTICLE 113.- Environmental credit portfolio.

The National Banking System may open an environmental credit portfolio destined to finance the costs of reducing pollution in productive processes, through loans at a preferential interest rate determined by the Central Bank of Costa Rica. When productive processes imply the use of land, for financing, the National Banking System must demand a plan for the management and use of the compliance with usability.

ARTICLE 114.- Premio Guayacán.

The annual "GUAYACÁN" prize is created, which will consist of a gold medal with a engraved guayacán, as a symbol of the persistent struggle for the improvement of the environment. It will be granted once a year by the President of the Republic to the person, physical or legal, national or foreign, which demonstrates having effectively contributed to the improvement of the national environment.

ARTICLE 115.- Additions. The following provisions are added: a) Article 48 bis to the Organic Law of the Ministry of Health, No. 5412, of November 8, 1973, which will constitute Section III, which will be called "Of Environmental Health Services" and it will be in Book II. The text will read: "Article 48 bis.- Individuals or legal entities, private or public, that require permits or

authorizations from the Ministry of Health related to the control of physical, chemical, biological and social factors that affect the human environment, will contribute economically with the payment of the service, in accordance with the rules dictated by that Ministry and with the limitations established in the Law of the Financial Administration of the Republic "b) Article 70 bis of the Urban Planning Law, No. 4240, of 15 November 1968, the text of which shall read: "Article 70 bis.- Individuals or legal entities, private or public, that require permits or authorizations from the National Institute of Housing and Urban Development, related to the approval of pre-projects, construction permits, uses of the land and segregations, as well as any others of its competence, will contribute economically with the payment of the service, according to the norms that the Dir Board dictates ective of that Institute and with the limitations stipulated in the Financial Administration Law of the Republic ".

ARTICLE 116.- Ministry of the Environment and Energy. The Ministry of Natural Resources, Energy and Mines, created by Law No. 7152, will be called the Ministry of Environment and Energy.

ARTICLE 117.- Regulation. The Executive Power will regulate the dispositions contained in this law within the term of three months, counting from the effectiveness of this law.

ARTICLE 118.- Validity It applies as of its publication. TRANSITORY PROVISIONS

TRANSITORY I.- The environmental impact assessments that are in process when this Organic Law of the Environment is published, will continue their processing in accordance with these provisions.

TRANSITORY II.- After consulting with the representative bodies of the productive sector, the competent entities will establish prudential deadlines to control and reduce pollution; likewise, they will promote the means, so that the productive sector integrates both processes within its activities.

TRANSITORY III.- The Interinstitutional Commission for the control and evaluation of environmental impact studies, created by Executive Decree No. 23783- MIRENEM, of October 28, 1994, will become the National Environmental Technical Secretariat created through Article 83 of this law.

TRANSITORY IV.- To comply with the provisions of article 88 of this law, five of the appointed members will cease in their positions three years after their appointment and the other five will remain for six years. All may be re-elected and after re-election, they shall be appointed for periods of six years.

LEGISLATIVE ASSEMBLY.- San José, on the twenty-eighth day of September one thousand nine hundred and ninety-five. COMMUNICATE TO

THE EXECUTIVE OFFICER Antonio Álvarez Desanti
PRESIDENT Álvaro Azofeifa Astúa Manuel Ant. Barrantes Rodríguez

FIRST SECRETARY SECOND SECRETARY Given in the Presidency of the Republic.- San José, on the fourth day of October one thousand nine hundred and ninety five. Execute and Publish REBECA GRYNSPAN MAYUFIS.-
The Minister of Natural Resources, Energy and Mines a.i., Marco Antonio González Salazar.