

**WILDLIFE CONSERVATION LAW  
N° 7317**

**THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA  
ENACTS:**

**WILDLIFE CONSERVATION LAW**

**CHAPTER I**

**General Provisions**

**Article 1.** The purpose of this law is to establish regulations on wildlife. Wildlife consists of all organisms that do not require human care for their survival and that live in natural, temporary or permanent conditions in the national territory, on both the mainland and islands, the territorial sea, inland waters, the exclusive economic zone and territorial waters. Exotic organisms declared wildlife by the country of origin, and organisms grown or bred and born in captivity from wild specimens, and their parts, products and derivatives are considered wildlife and regulated by law. Wildlife may only be privately owned and traded through the provisions of public treaties, international agreements, and this law and its regulations.

The government's essential and priority function shall be to implement and enforce this law. The government shall also ensure that promotion and production activities related to the management and propagation of wildlife are carried out sustainably.

This law shall not apply to the conservation, sustainable management, protection and proper management of wildlife resulting from traditional, not-for-profit practices, usages and customs of indigenous peoples within their territories.

This law shall not apply to species of interest for fishing or aquaculture, for which specific regulations are established in Law No. 7384 of March 16, 1994, and Law No. 8436 of March 1, 2005, and for which INCOPESCA (the Costa Rican Fishing and Aquaculture Institute) shall be the enforcing authority. Likewise, it shall not apply to forest species, plant nurseries, and reforestation, management and conservation of forests and agro-forestry systems, the specific regulations for which are established by Forestry Law No. 7575 of February 13, 1996 and its amendments.

All activities related to use of and access to genetic and biochemical wildlife information shall be governed by the provisions of the Convention on Biological Diversity and its Annexes, Law No. 7416 of June 30, 1994, the Biodiversity Act, Law No. 7788, of April 30, 1998, and concordant laws in the Costa Rican legal system. Excluded is the authority conferred on SENASA (the National Animal Health Service) by its founding law, Law No. 8495 of April 6, 2006.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 2.** For the purposes hereof, the following terms are defined as follows:

**Aquarium:** Management site that keeps wildlife associated with aquatic ecosystems in captivity, whether for commercial purposes or otherwise, under the direction of a technical team of professionals that guarantees them adequate living conditions in an attractive and didactic way for the public. Its main objectives are the scientific conservation, education, research, propagation, display and preservation of organisms.

**Official wildlife\* conservation areas:** Wilderness areas protected by any management category, water resource protection areas and other lands forming part of the government's forest heritage.

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**Duly authorized private areas:** Private lands under the forest regime, environmental service payment programs, ecological easements or any other conservation regime agreed by their owners.

**Captivity:** Imprisonment of wild animals coming from aquatic and terrestrial environments to live under human care.

**Hunting:** Action, for any purpose, of injuring, catching, capturing, or killing wild

animals.

**Rescue Center:** Wildlife management site which aims to rehabilitate wildlife that has been rescued, seized or surrendered voluntarily for the purpose of their recovery and reintegration into their natural environment whenever possible. Wildlife organisms whose conditions do not permit their return to the wild will be deposited at wildlife management sites defined herein. The sites are non-profit and closed to the public.

**Collection:** The act of picking, cutting, capturing or separating wild organisms or their products and parts from their environment.

**Wildlife trade:** Any act of transfer of ownership – supplying, buying, selling, trading, soliciting, bartering or exercising any gainful activity – of wildlife, their parts, products and derivatives. It also includes the activities of exporting, re-exporting, importing and introducing from outside.

**Continent:** Each of the large tracts of land separated by oceans.

**Body of water:** Any of springs, rivers, streams, permanent creeks, aquifers, lakes, ponds, marshes, wetlands, natural or artificial reservoirs, estuaries, mangroves, peat swamps, and fresh, brackish or salt water.

**Reservoir:** Accumulation of water resulting from its retention by man, usually for its better use

**Invasive exotic species:** Species that when introduced in places outside their natural geographical distribution area colonize the ecosystems and reach an abundant population, thus being competitors, predators, parasites or pathogens of native wildlife species. They become agents of habitat change and have a negative effect on biodiversity. Invasive exotic species also include those species whose populations become plentiful and harm human activities or human health.

**Scientific study:** All research that applies the scientific method (observation, hypothesis formulation, testing of hypotheses, revision of hypotheses, reporting of results, conclusions and recommendations).

**Equipment:** All instruments, tools, appliances, means of transportation, vehicles,

boats, implements, weapons, utensils and devices used for the removal, collection, fishing and hunting of wildlife.

**Euthanasia:** Act of causing death without physical suffering to a wild organism for reasons of viability and quality of life, technically proven.

**Display:** Wildlife shows open to the public, with or without commercial purposes, temporarily or permanently, and fixed, mobile or traveling.

**Export:** Action of sending abroad any organism or group of wild organisms or their products, parts or derivatives.

**Removal of wildlife:** Action of removing or taking out wildlife or their parts, products or derivatives from natural or altered environments.

**Ex situ:** Outside their natural environment.

**Wild fauna:** Wild fauna consists of vertebrate and invertebrate, resident or migratory animals living in natural conditions or having been removed from their natural environment or propagated ex situ for any purpose within the national territory, whether on the mainland or islands, in the territorial sea or inland waters, exclusive economic zones or territorial waters, which do not require human care for their survival and well-being, as well as those exotic animals, vertebrates and invertebrates, declared wild by their country of origin; the term also includes animals born and bred in captivity from wild specimens. The taxonomic classification of species will be established in the regulations of this law.

**Wild flora:** Wild flora consists of all vascular and nonvascular plants, algae and fungi existing in national, mainland or island territories, the territorial sea, inland waters, exclusive economic zones or territorial waters, living in their natural environment or having been removed from their natural environment or propagated ex situ for any purpose, which shall be indicated in the regulations of this law, and those exotic vascular and nonvascular plants, algae and fungi declared wild by their country of origin; it also includes vascular and nonvascular plants, algae and fungi that have been grown in captivity from wild specimens. Exceptions to that are vascular plants corresponding to the concept of "forest trees" and plants, fungi and algae for agricultural use, according to the definition given by the law or regulations governing this matter.

**In situ:** In their natural environment.

**Import:** Action of bringing into the country any organism or group of wild organisms, or their products, parts or derivatives.

**Lakes:** Large standing bodies of water deposited in hollows of the land.

**Wildlife management:** Application of knowledge gained through research of the environment and its wildlife populations, for conservation and sustainable use, in situ and ex situ.

**Petification:** Process by which a wild animal is removed from its natural environment to be kept as a pet, in permanent contact with humans, leading to changes in its diet and environment, stimulating the loss of instinctive behaviors inherent to its nature, deteriorating its social behavior and health, and harming its quality of life.

**Aquarium fish:** Those propagated in pools or other media in which man intervenes. These fish are destined to live in artificial environments for scientific or commercial purposes or for display.

**Wildlife fishing:** Act consisting of the capture, hunting and removal of aquatic wildlife by methods or procedures approved by the competent authority.

**Breeding stock:** Group of individuals of one or more species, obtained for implementing a wildlife management site not involving access to genetic and biochemical elements and resources of biodiversity.

**Costa Rican continental shelf:** Marine area going from the low-tide shoreline to the continental slope.

**Product:** Everything coming directly from wildlife.

**Regency:** Professional responsibility for wildlife management, exercised through a set of techniques used to implement the different categories of wildlife management,

which must be executed by a trained professional with proven experience and expertise in wildlife management.

**Wildlife management site:** Place or space that provides different levels of wildlife management and protection. It includes the following categories: zoo, animal breeding facility, rescue center, nursery, aquarium, botanical garden, herbarium, natural museums, gene bank, displays and other areas marked off for ex situ management, with or without commercial purposes, with the aim of conservation, education, research, propagation, reintroduction, restoration and display, excluding domestic and decorative gardens.

**Taxidermy:** Art of dissecting animals to conserve their lifelike appearance.

**Possession:** Act of possessing one or more wildlife organisms confined and outside their natural environment.

**Transport or transfer:** Action of moving, carrying, driving or taking wildlife or their products, parts and derivatives from one place to another.

**Traffic:** Movement, transit, or transfer of wildlife or their products, parts and derivatives in order to trade or negotiate with them.

**Wildlife:** All organisms that live in natural, temporary or permanent conditions in the national territory, both on the mainland and islands, in the territorial sea, inland waters, exclusive economic zones and territorial waters and that do not require human care for survival. Exotic organisms declared wildlife by the country of origin, and organisms grown or bred and born in captivity from wild specimens, and their parts, products and derivatives are considered wildlife and regulated by law.

**Plant nursery:** Physical facilities that aim to create ideal conditions for planting, germinating and maturing plants.

**Small-scale commercial nursery:** Plant nursery that contains no more than five hundred wild plants from natural propagation of breeding stock. The primary purpose will be their marketing by permission of SINAC (the National System of Conservation Areas).

**Animal breeding facility:** Site that may be for commercial or non-commercial

purposes, where wildlife is propagated or bred, with species management knowledge, outside their natural habitat and where human control is involved in the selection and choosing of the organisms to be propagated.

**Limited management animal breeding facility:** Management site for propagating wildlife whose populations are not reduced or endangered. The main purposes are the supply of breeding stock for other animal breeding facilities, household consumption, environmental education and ecosystem restoration. Supervision will be provided by the technical staff of the respective conservation areas.

**Zoo:** Management site where wildlife is kept in captivity, whether or not for commercial purposes, under the direction of a corps of professionals that ensures adequate living conditions in an attractive and didactic manner for the public. Its main objectives are the scientific conservation, education, research and display of wild fauna.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 3.** Wildlife constituting a renewable natural resource and forming part of the national heritage is declared of public domain. Also declared of public interest is wild flora, the conservation, research and development of genetic resources, species, breeds and wild zoological and botanical varieties, which constitute gene pools, and all wild species and varieties that have entered the country and have suffered genetic modifications in their adaptation to the various ecosystems.

**Article 4.** The production, management, removal, marketing, industrialization and use of the genetic material of wild flora and wild fauna, their parts, products and by-products, are declared national heritage and of public interest.

The Ministry of the Environment and Energy\* shall exercise the activities mentioned in the preceding paragraph; it is also empowered to grant concessions to individuals under terms and conditions benefitting the national interest through public tenders and

under the provisions of this law and its regulations.

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

**Article 5.** Wild fauna kept in captivity, and their "sustained" propagation, as well as plants possessed and propagated in nurseries, or their products, retain their wild status.

## **CHAPTER II**

### **Administrative Organization**

**Article 6.** The National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* is the body responsible for the planning, development and control of wildlife.\*\*

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*



*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "wild plants and animals")*

As rector of natural resources, energy, and mining, the Minister has the following competencies:

- a) Define, jointly with the President of the Republic, government guidelines for the sector.
  
- b) Ensure that the organization and functioning of natural resource institutions adequately meet the requirements of the objectives herein and follow planning provisions and guidelines.
  
- c) Submit the sector's development plan to the Ministry of National Planning and Economic Policy to make sure it is compatible with other sectors and global policies included in the National Development Plan.
  
- ch) Establish the rules and work procedures for the coordination, programming and evaluation of interagency programs.
  
- d) Take any and all measures to ensure optimal compliance with the underlying principles hereof, for which it shall allocate the rational use of available resources and promote private and public, national and international interagency cooperation.

**Article 7.** The National System of Conservation Areas of the Ministry of the Environment and Energy has the following functions in the exercise of its competency:

**a)** Establish the technical measures to be followed for proper wildlife\* management, conservation and administration, the object of this law and relevant international conventions and treaties ratified by Costa Rica.

*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012 from the previous text reading "wild flora and fauna")*

**b)** Establish and manage national wildlife refuges.

**c)** Encourage the establishment of mixed or privately-owned national wildlife refuges.

**d)** Promote and implement research and education programs on the additional use of the country's renewable natural resources in the field of wildlife under its responsibility pursuant hereto.

**e)** Promote and implement research in the field of wildlife, except research on genetic and biochemical resources regulated by the Biodiversity Act.

**f)** Issue, deny or cancel permits for hunting for control, removal, research, and scientific and academic collection and any permits to import or export wildlife or its parts, products and derivatives, and approve, reject or amend management plans and operating permits for the various wildlife refuge and wildlife management establishments and for wildlife management activities requiring permits.

**g)** Finance theses or research leading to a better understanding of wildlife.

**h)** Protect, oversee and manage wetlands, with an ecosystem approach, and determine their status with regard to national or international importance.

**i)** Create and manage wildlife management, control, surveillance and research programs.

**j)** Support the formal and informal educational programs of the Interagency Commission for Biodiversity Education, Research and Public Awareness (CIECOPI).

**k)** Coordinate with other competent authorities for the prevention, mitigation, care and monitoring of wildlife damage.

**l)** Promote the responsible participation of people, individually or collectively, in the preservation and restoration of ecological balance and environmental protection.

**m)** Foster the conservation of natural ecosystems.

**n)** Establish contingency plans for the protection of wildlife during natural disasters.

**ñ)** Coordinate actions with public or private, national or international institutions for the conservation and sustainable management of wildlife.

The demarcation of the wetlands will be carried out by executive decree according to technical criteria.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 8.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

**Article 9.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

**Article 10.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

### **CHAPTER III**

#### **Funding**

**Article 11.** In order to enforce the purposes of this law and meet the costs arising herefrom, the National System of Conservation Areas (SINAC) will use its instrumental legal capacity to manage the Wildlife Fund, for which purpose it will have access to seventy-five percent (75%) of total resources. The National Commission for Biodiversity Management (CONAGEBIO) shall have access to twenty-five percent (25%) to meet the obligations arising from the exercise of their legal powers; to this end SINAC shall make the respective transfer. The Fund shall be comprised by the following economic resources:

*(The preceding paragraph as amended by the single article of Law No. 9022 of January 3, 2012)*

**a)** Proceeds from the wildlife revenue stamp.

**b)** Proceeds from permits, services, fees, registration, records, licenses, concessions, wildlife refuge regencies and use permits, publications, and certifications, all of which shall be established and updated by executive decree.

*(The preceding section as amended by Article 1 of Law No. 9106 of December 20, 2012)*

**c)** Legacies and donations from individuals or legal entities, national or international private or public organizations, and contributions by the government or its institutions.

**d)** Proceeds from fines and forfeitures for infringements and offenses under Chapters XI and XII hereof, as well as their interest.

**e)** Items allocated annually to it in the regular and special national budgets.

**f)** Reallocation of the operating surplus, as applicable, in accordance with Law No. 8131, Financial Administration of the Republic and Public Budgets, of September 18, 2001.

**g)** Any other income acquired as a return on the funds and the provision or enforcement hereof or of any other law.

Among the internal control measures to be taken, after proper financial programming and once liquid asset management needs are met for covering short-term obligations, the assets may be invested in portfolios consisting of government securities with sovereign risk, under the principle of sound management of public funds and ensuring the safety, profitability and liquidity of said assets at all times.

For this purpose, and prior to making the established investments, the National System of Conservation Areas must contract an external audit to guarantee and monitor proper funds management without detriment to review and subsequent administration and funds management control, which shall be the responsibility of the Comptroller General of the Republic.

*(As amended by Article 2 of Law No. 8689 of December 4, 2008)*

**Article 12.** The executive branch is hereby authorized to establish, through regulations hereof, the necessary procedures and requirements for conservation of mainland or island, aquatic or terrestrial wildlife, throughout the national territory.

**Article 13.** Centralized and decentralized government agencies, as well as municipal governments and any other national entities, are authorized to provide

economic or technical cooperation to the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* when so requested or when they voluntarily wish to give it, to the satisfaction of said department, for faithful compliance with the responsibilities set forth herein.

\* *(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

\*\* *(Name amended by Article 3 of Law No. 9106 of December 20, 2012 from the former name of "Wildlife Department")*

## **CHAPTER IV**

### **Wildlife Conservation and Management**

*(As amended from the previous chapter by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 14.** The government shall regulate the following activities through SINAC and other competent authorities:

#### **a) Hunting**

Hunting of wildlife is prohibited except in cases where, based on technical and scientific studies, this practice is required for the control of species with high population densities that threaten their own species or other wild species or the very stability of the ecosystem that supports them. Hunting for sport is strictly prohibited; hunting shall be permitted solely for population control and subsistence.

#### **b) Collection**

Collection of wildlife is prohibited except when the destination is a legally

established management site for breeding for conservation, research, education, reintroduction or commercial purposes. SINAC shall determine which species will be the subjects of population studies to establish the breeding stock for authorized breeding centers.

### **c) Removal**

Removal of wildlife is prohibited except when the destination is a legally established management site for breeding for conservation, reintroduction or commercial purposes. SINAC shall determine which species will be the subjects of population studies to establish the breeding stock for authorized breeding centers.

### **d) Possession**

Possession of wildlife in captivity is prohibited except when the origin is a legally established management site for breeding for conservation, reintroduction or commercial purposes. SINAC shall determine which species will be the subjects of population studies to establish the breeding stock for authorized breeding centers.

Wildlife collection, transportation, and marketing must meet the requirements established in this law and its regulations.

SINAC shall establish, based on technical and scientific criteria and with the technical support of scientific institutions, official lists of endangered species, reduced and threatened populations, and species authorized for hunting for control, as well as other lists for wildlife protection and management as deemed appropriate.

These lists must be updated at least every two years.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 14 bis.** All organisms, parts, products and derivatives, regardless of their status or degree of processing, may be exploited for profit when the organisms, parts, products and derivatives are propagated or obtained from organisms raised in a wildlife

management site that has the appropriate permits.

Organisms declared in danger of extinction, having populations that are reduced or threatened and raised in captivity, may be exploited from the third generation on in accordance with the site's management plan.

Organisms that are not in these categories may be exploited from the first generation on when they come from captive breeding in accordance with the wildlife management site's management plan. Should the exploitation concern genetic and biochemical aspects of wildlife the provisions of the Biodiversity Act, Law No. 7788, shall apply.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

**Article 15.** To assist in the implementation and enforcement hereof, the Ministry of the Environment and Energy\* shall appoint wildlife inspectors, ad honorem wildlife inspectors, and natural resource watchdog committees (COVIRENAS).

Wildlife inspectors have police authority and must be duly identified by a card issued by the Ministry of the Environment and Energy.\* To qualify for an appointment of this nature, inspector candidates must be individuals with good conduct, for which the Judicial Record of Offenders must issue a background certificate at the request of the Ministry of the Environment and Energy.\* Other entry requirements shall be set out in the regulations hereof. Their appointments may be revoked at any time by the Ministry of the Environment and Energy.\*

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

\*\* The watchdog committees to assist in the implementation and enforcement hereof shall consist of ad honorem wildlife inspectors. These shall be trained and tested



previously. Other entry requirements shall be set out in the regulations hereof.

\*\* The capacity of ad honorem inspector may be revoked at any time by SINAC.

\*\* *(The preceding paragraph as added by Article 2, section a of Law No. 9106 of December 20, 2012)*

**Article 16.** For the faithful fulfillment of the obligations under this law, wildlife inspectors, forestry inspectors, park rangers and SINAC officials duly accredited for such purposes and in the performance of their duties shall be entitled to stop, circulate, enter and practice inspections within any estate and boat, as well as in the industrial and commercial facilities involved, and to seize the organisms, parts, products and derivatives of wildlife, together with the equipment used in the commission of a crime or activity prohibited hereby.

For private homes they must have the permission of the competent judicial authority or the owner.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 16 bis.** Payment for availability is hereby created for officials working in wildlife management, control, and protection activities outside their normal working hours, according to the provisions laid down in the regulations hereof. Resources from the Wildlife Fund will be used for this payment.

*(As added by Article 2 of Law No. 9106 of December 20, 2012)*

**Article 17.** The Ministry of the Environment and Energy\* is hereby empowered to award contracts, user fees, licenses, concessions, or other legally established means for wildlife conservation and sustainable use. It is also empowered to coordinate actions with centralized or decentralized agencies implementing agricultural programs for soil, water, and forest conservation in order to achieve "sustainable" wildlife use.

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

Inhabitants will participate in the establishment and development of national wildlife refuges in order to promote integrated development of the community and ensure protection of the ecosystems. In addition, the Ministry should coordinate with community development associations and any public or private organization located in the area.

**Article 18.-** The government, through the SINAC, shall regulate trade and trafficking in wildlife and its parts, products and derivatives, as long as the parts, products or derivatives do not concern genetic and biochemical wildlife resources, which shall be regulated by the Biodiversity Act, Law No. 7788. The export, import and trafficking of any wildlife species listed by SINAC as in danger of extinction or having reduced populations is prohibited unless it comes from an authorized wildlife management site. Those organisms imported with permits from the country of origin are excluded.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 18 bis.** Forfeitures resulting from the removal and trade of native and exotic wildlife in violation of this law or its regulations should be relocated quickly to their natural habitat or, if not possible, to management sites, according to the technical criteria of the relevant authorities.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

**Article 19.** The National Wildlife Registry (NWR) is hereby created in SINAC.

This Registry shall be public and easily accessible and should be shared with public institutions and whosoever so requests.

The primary function of this Registry shall be registration and control of wildlife staying in wildlife management sites, in addition to wildlife in private hands, including desiccated organisms and individual or private collections, which in all cases shall be obliged by law to report them to said Registry. The types of records shall be defined through regulations.

Public or private scientific institutions and individuals, and any natural or legal person engaging in taxidermy and other processing of wildlife or their parts, products, or derivatives, must also be registered and meet the requirements in the regulations hereof.

Wildlife, parts, products and derivatives found in these places shall be registered, marked and identified according to procedures established in the regulations hereof.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 20.** Private wildlife management sites engaging in wildlife conservation, education, research, display, propagation, restoration, and reintroduction, whether or not for commercial purposes, must be registered at SINAC and have an approved management plan.

The fees to be paid for registration and services will be defined by executive decree and will be deposited in the Wildlife Fund account.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 21.** Each wildlife management site must have an approved management plan according to its category. The plan's contents will be established by regulations. The plan must be prepared by an appropriately trained professional with proven wildlife management experience and membership in the respective professional association. SINAC will have sixty days to approve or reject the management plan and will technically justify its decision.

The regent that prepares and implements the management plan for a wildlife management site must be registered at the Registry of Regencies at SINAC. The regent must demonstrate proficiency, experience and proven ability in wildlife management, which shall be recorded in the registry. In addition, he or she must be duly enrolled in the professional association and have public trust and will be responsible for meeting the goals of the management plan, for which he or she may have the necessary technical support from other professionals. The regent must deposit a satisfactory fidelity policy and shall be liable for his or her actions in criminal and civil proceedings.

Breach of obligation by the regent shall empower SINAC to exclude the regent from the Registry of Regencies for a period of one to five years, depending on the seriousness of the offense, after procedures are followed to ensure due process and to file the respective complaints, both criminal and civil and to the respective professional association.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 22.** Exotic or native wildlife causing damage to any ecosystem or agriculture, livestock, and public health may be captured, controlled, exploited, eliminated, or relocated in accordance with the provisions to be determined in the regulations hereof, after completion of the technical and scientific studies and economic cost-benefit evaluations. Notwithstanding, in the event of imminent danger posed by a wild specimen to the integrity of individuals, a person may, in self-defense, capture, control or, as a last resort, eliminate the threatening specimen, without such action giving rise to any penalties.

Excluded herefrom are the powers of the National Service for Animal Health and the Phytosanitary Service of the Ministry of Agriculture and Livestock and Ministry of Health in matters of health. Sacrifice of the organism by methods best preventing suffering shall be left as the last resort.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 23.** Euthanasia shall be practiced on wildlife when the need can be demonstrated using the technical and scientific criteria of the veterinarian applying the procedure.

Euthanasia shall be practiced by a veterinarian or under his or her direct supervision.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 24.** Wildlife obtained through confiscation, rescues or scientific or academic collection or coming from wildlife management sites may not be reintegrated into the natural habitat without the respective permits from SINAC, for which health, ethological and genetic assessments must first be completed on the organism or organisms involved to ensure they will not cause damage to the ecosystem into which they will be released. These assessments will be made by an interdisciplinary team containing at least one biologist, one veterinarian, and one geneticist.

Exceptions will be made to the health, ethological and genetic assessments for an organism or organisms when the release is completed within seventy-two hours after their capture and in the same place of their collection, where possible, or within an area that meets the appropriate conditions for the organism or organisms' survival, as long as such place is within the species' natural range.

Programs for wildlife reintegration into their habitat must have the necessary space and resources for the establishment and survival of individuals in the population to be released, and a management plan whose requirements will be established through regulations.

Programs for reintroduction of species into a new habitat must have the following:

- 1.** Population dynamics studies on the species
- 2.** Population genetics studies
- 3.** Studies on the potential introduction to local populations of pathogens on animals in captivity, so that the welfare of wild species is ensured.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 25.** SINAC may grant through this law:

**a)** Operating permits for wildlife management sites and wildlife trade or sale enterprises. The applicant must first obtain the other permits included in other laws.

**b)** Research permits, except for permits to access the genetic and biochemical elements and resources of biodiversity, which shall be regulated by the Biodiversity Act. Permits for basic research, bioprospecting, and economic exploitation of the genetic and biochemical elements and resources of wildlife are regulated by the current Biodiversity Act.

**c)** Permits for population control hunting and scientific or academic collection, except for permits to access the genetic and biochemical elements and resources of biodiversity, which shall be regulated by the Biodiversity Act.

**d)** Permits for import and export of wildlife organisms or their parts, products, and derivatives, with species listed or otherwise in the CITES Appendices, pursuant to Law No. 5605 of October 30, 1974. Excepted are permits to access the genetic and biochemical elements and resources of biodiversity, which shall be regulated by the Biodiversity Act.

**e)** Permits for activities deriving from the preservation of community customs and the cultural heritage of local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity, in order to ensure a proper balance of wildlife protection policies and preservation of community customs.

The preceding sections shall apply without prejudice to the competencies granted to SENASA by its founding law, Law No. 8495 of April 6, 2006.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 26.** Any application for the permits set forth in the previous article must be submitted with an environmental impact assessment, which for the purposes hereof is considered a public document and shall include at least the following requirements:

- 1.** Purposes of the introduction
- 2.** Actual demand for the resource in the country of origin
- 3.** Feasibility study
- 4.** Global status of the species
- 5.** Life cycle of the species in its native environment
- 6.** Behavior
- 7.** Reproductive potential
- 8.** Movement and activity patterns
- 9.** Diseases, pests and parasites
- 10.** Potential of the species as a predator
- 11.** Potential of the species as a pest



- 12.** Potential of the species as a competitor with native species for resources or space
- 13.** Potential for hybridization with native species
- 14.** Potential for spreading from the introduction site
- 15.** Population control methods for the species
- 16.** Criteria for selecting and capturing vigorous animals
- 17.** Optimum sex ratio and number of individuals to be introduced
- 18.** Appropriate animal transport system
- 19.** Experience with introduction of the species in other countries

SINAC shall have one month from the filing date to study and resolve on the proposed application. The permit holder must first pay the fee for granting of the import permit, as appropriate. The amount of said fee shall be established by executive decree.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 27.** Temporary or permanent display of native or exotic wildlife in circus performances is prohibited throughout the national territory, as is the importing into the national territory of wildlife in circuses, traveling public shows and similar entertainment when the purpose is the public display of these organisms.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

## CHAPTER V

### Hunting

**Article 28.** For the purpose of regulating its exercise, hunting is classified as follows:

**a) Population control hunting:** This shall be permitted if for some reason wild populations exceed population limits to the detriment of its own species, other wild species, or the very stability of the ecosystem that supports them. Native or exotic species causing damage to artificial and natural ecosystems and which have been declared as invasive species or designated as harmful in accordance with Article 22 hereof shall be included in this hunting category.

This hunting category is applied on the basis of technical and scientific studies in accordance with the parameters set herein for determining species, affected areas, and removal or control quotas.

**b) Subsistence hunting:** This shall be permitted when the prey is for personal or family consumption but not for trade, according to the rules set out in the regulations hereof. Excluded from this hunting category is wildlife having reduced or threatened populations or in danger of extinction. Subsistence hunting shall not be permitted in protected wildlife areas.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 29.** For the purposes of the preceding article, population control hunting

may only be practiced by Costa Ricans and resident foreigners over the age of eighteen who are duly registered in official SINAC lists, carry the respective license, and comply with the provisions of this law and its regulations. The wildlife that may be harvested shall be determined by technical and scientific studies as provided herein.

Population control hunting may be practiced on public lands or in protected wildlife areas when a technical and scientific study determines that a wildlife species is causing damage to the ecosystem. On privately owned properties this hunting must have the owner's permission. In both cases this activity shall be subject to the restrictions set forth in this law and its regulations.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 30.** Hunting licenses shall be issued by SINAC after the requirements set forth in this law and its regulations have been met.

The fee for the license, as well as the validity of population control licenses for citizens and resident foreigners, shall be set by decree and the resulting amount will be deposited in the Wildlife Fund account.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 31.** Hunting licenses for citizens and foreign residents shall be valid for one year. License validity for non-resident foreigners shall be established by regulation. In both cases, licenses may be renewed for equal periods upon payment of the respective fee.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 32.** Hunting rights may be exercised on public lands where permitted by law. On privately owned properties that have been properly fenced or marked, hunting may only be practiced with the owner's permission. In both cases, this right is subject to the restrictions set forth in this law and its regulations.

**Article 33.** Hunters and associations must register at SINAC, for which they must provide the requirements established in the regulations hereof.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 34.** The executive branch shall establish the closed seasons and types of weapons that may be used for the hunting and fishing regulated hereby.

**Article 35.** Wildlife hunting by methods not approved by this law and its regulations is prohibited.

Hunting shall be permitted to stabilize overpopulations endangering other species and economic activities, for scientific or subsistence reasons, or for populations subject to sanitary control. This shall require the hunting permits issued by the agencies indicated herein. Likewise, hunting shall be permitted for sanitary reasons duly established by the Ministry of Health or the National Animal Health Service and shall not require a permit, due to the risk to public and animal health.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

## CHAPTER VI

### Section I

#### Wildlife Collection

*(As amended from the previous chapter by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 36.** Exercise of the collection of wildlife or their parts, products or derivatives, shall require permits issued by the SINAC, after fulfilling the requirements of this law and its regulations for the corresponding modality.

For the purpose of its regulation, wildlife collection is classified as follows:

**Scientific research:** When carried out for purposes of scientific study or based on scientific studies for the management of wild populations for conservation purposes.

**Academic:** When carried out for educational purposes and pursuant to a course or educational program of an educational institution duly recognized by the Ministry of Education or the National Council of Rectors; the collecting permit must be approved by the competent authority.

**Breeding stock:** When carried out for the establishment of a wildlife management site in accordance with Articles 14 and 36 bis hereof and not involving access to genetic and biochemical elements and resources of biodiversity.

**Subsistence:** When carried out to meet the food or medicinal needs of people with limited economic resources, as confirmed by the rules set forth in the regulations hereof. Excluded from this collection is wildlife having reduced or threatened populations or in danger of extinction. Any of these types of collection that involves access to genetic and biochemical wildlife elements and resources shall be covered by the Biodiversity Act, Law No. 7788.

SINAC must keep an updated record of the licenses it has granted for scientific, academic, and breeding stock collection of wildlife and for wildlife-related scientific research permits. This record shall be public and readily accessible.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 36 bis.** When a wildlife management site requires establishing a breeding stock, the applicant must conduct a population study of the species of interest to demonstrate if the population in the removal site is subject to collection. Applicants must demonstrate that the removal will not be detrimental to species in the removal site.

This study must be conducted by a professional, who must demonstrate proven competence, experience and ability in the management of wildlife. The contracting mechanism for this study shall be established by regulation and shall be through SINAC.

This license must be processed concurrently at the National Forest Administration when the applicant also wishes to process approval of a forest management plan, provided the requirements set forth herein are met.

Upon approval of collection, the applicant must pay the fee for the license, which will be established by executive decree and deposited in the Wildlife Fund account.

Collection for breeding stock within national protected wildlife areas will not be permitted; wildlife refuges will be exempted in the case of production programs for species of interest to the government.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

**Article 37.** All scientists or researchers who personally or on behalf of scientific entities wish to conduct research involving some form of wildlife management in Costa Rican territory must register their project at the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*. The registration form must be completed by the researcher pursuant to the regulations hereof.

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

**Article 38.** Collecting permits for scientific and academic research shall be issued to citizens or foreign residents for a maximum period of one year and for up to six months for other foreigners. In both cases they may be cancelled by SINAC if the holder violates national laws or the use is deemed counter to the national interest.

Collection for breeding stock shall require a license issued by SINAC, which will be valid for up to one year and will be renewable for equal periods; for these purposes and as appropriate, individuals must consult with the respective authorities and scientific institutions, in accordance with the procedures established by the regulations hereof. Every beneficiary is obligated to submit a report to SINAC on the results of the collection. Otherwise, SINAC must deny a license for future collections.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 39.** Wildlife may only be collected by appropriate methods, which shall be determined by SINAC and established by executive decree after consultation with the respective authorities.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

## **Section II**

### **Research**

*(As added to the previous Section II by Article 2, section c of Law No. 9106 of December 20, 2012)*

**Article 40.** Scientific research shall require permits issued by SINAC, after the requirements of this law and its regulations have been met.

Research involving access to and use of genetic and biochemical elements and resources of wildlife will be regulated by the Biodiversity Act, Law No. 7788.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 41.** All scientists, researchers, or scientific and academic institutions that personally or on behalf of scientific entities wish to conduct wildlife research in Costa Rican territory must submit the requirements established in this law and its regulations for obtaining the respective permit, which must be in line with the management plan for the protected wilderness area in question.

Research permits will be granted by SINAC for a maximum period of one year for citizens or foreign residents and up to six months for other foreigners. Said permit may



be cancelled by SINAC if the holder violates this law or its regulations or the use is deemed counter to the national interest.

Permit holders, whether independent researchers, universities, or public or private, domestic or foreign organizations or institutions, must submit two copies to the National Library and another two copies to SINAC of the reports and publications generated with the research conducted in Costa Rica. Otherwise, SINAC may deny them any permits for future research.

Applicants for research permits must pay their fee, which shall be established by executive decree and deposited in the Wildlife Fund account. Exceptions to this obligation are the entities established in Article 4 and following and concordant articles of the Biodiversity Act.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 42.** All applications for scientific or cultural collecting permits\*\* must have the official backing, authenticated in writing, of the respective authorities of the institution in which the applicant works or studies. In the case of foreigners, permit applications must be authenticated by the Costa Rican consular service representative. The National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* will process permit applications within a maximum period of one month.

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

**Article 43.** Wildlife research may be conducted in protected wilderness areas with written authorization from the protected wilderness area administrators, and on privately owned lands with written authorization from the party legally authorized to grant such permission.

Scientific or cultural collection may only be conducted in accordance with the methods and conditions stipulated in the regulations hereof.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 44.** Export permits for unique or rare specimens obtained by scientific or academic collection may be granted after consultation with specialists in the field, who will determine, once the specimens are cataloged, whether they may leave freely or go out on loan, according to the public interest.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 45.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

**Article 46.** When the specimens obtained by scientific or academic collection are intended for foreign entities, SINAC will require delivery of identical specimens to the National Museum and the University of Costa Rica before granting an export permit for scientific or academic purposes (Law No. 4594 of July 1, 1970).

In cases where the specimens have been obtained via an access permit granted by CONAGEBIO and are not on the CITES lists of species, SINAC export permits will not be required.

Exporters and importers of wildlife specimens for commercial purposes must be registered at SINAC.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 47.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

**Article 48.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

**Article 49.** Breach of any of these obligations shall be punishable by SINAC, and it shall be impossible for the scientist or researcher, personally, or the institution they represent to obtain other authorizations for studies or research within the national territory for up to five years. The foregoing is without prejudice to legal actions.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 50.** *(Repealed by Article 5 of Law No. 9106 of December 20, 2012)*

## CHAPTER VII

### Removal and Collection\* of Wild Flora

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

**Article 51.** For the purpose of its regulation, the removal and collection\* of flora is classified as follows:

*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

**Scientific:** When carried out for study or teaching purposes.

**Commercial:** When carried out for propagation in plant nurseries or for commercial purposes, pursuant to the regulations hereof.

**Subsistence:** When carried out to meet the food or medicinal needs of people with limited economic resources, as confirmed by the rules set forth in the regulations hereof.

**Article 52.** Removal and collection\*\* of flora shall require a permit issued by the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*, which shall grant the permit after consultation with the respective authorities and scientific entities and pursuant to procedures established by the regulations hereof.

*\* (Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

**Article 53.** The amount of the fee for flora removal and collection permits shall be established by executive decree. The payable amount shall be set in accordance with the respective technical and legal analyses justifying the amount to be charged.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 54.** All plant nurseries or businesses selling wild flora must have a propagation program in place in order to obtain the respective permit in accordance with the requirements set forth in this law and its regulations and in order to be registered with the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*. They must also submit evidence that a biologist or recognized natural science professional will oversee the proper use and proper quantitative propagation of the species.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

**Article 55.** SINAC is hereby empowered to grant export permits for species propagated in wildlife management sites registered under this law; permit holders must also apply for the sanitary and other required certificates specified in related laws and international conventions.

The fee for export permits shall be established by executive decree and deposited in the Wildlife Fund account. Export permits that have been granted shall not be transferable to third parties without SINAC's prior authorization.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 56.** SINAC may grant export permits for commercial purposes for wildlife not included in the CITES Appendices after payment of the amount of the respective permit, which shall be established by executive decree.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 57.** Importation of exotic wild flora requires a prior permit from the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*, which will issue it pursuant to the regulations hereof and other current laws to safeguard native flora and fauna and public health. Where appropriate, importers must comply with the provisions of existing international conventions.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

**Article 58.** Removal or collection\*\* of wild flora may only be carried out by appropriate methods as determined by the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* after consultation with the respective authorities.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

**Article 59.** The regulations hereof shall determine and classify species whose removal or collection will be prohibited or restricted.

**Article 60.** When the Forestry Department of the Ministry of the Environment and Energy\* processes permits for logging in natural forests, it must send a copy of such permits to the National System of Conservation Areas\*\*\* of the Ministry of the Environment and Energy\*, which shall notify the parties interested in the use of other flora that has not been declared endangered.

In this case, the owner of the property from which the wood was removed has priority to dispose of the remaining flora products pursuant to Article 14 hereof.

The permit holder shall expressly inform the National System of Conservation

Areas\*\* of the Ministry of the Environment and Energy\* when applying for the forest exploitation permit of its interest in the remaining plants that have not been declared endangered.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

## **CHAPTER VIII**

### **Mainland and Island Fishing Rights**

**Article 61.** MINAE shall exercise the conservation, protection and management of marine species found in continental waters and non-commercial marine species.

*(The preceding paragraph as added by Article 2, section a of Law No. 9106 of December 20, 2012)*

For the purpose of its regulation, mainland and island fishing is classified as follows:

*(Numbering of the previous paragraph changed by Article 2, section a of Law No. 9106 of December 20, 2012, which moved it from the first paragraph to the second)*

a) Sport: When practiced for the purposes of enjoyment, recreation, or leisure.

b) Scientific or cultural: When carried out for study or teaching purposes.

c) Subsistence: When carried out to meet the food or medicinal needs of persons with limited economic resources, as confirmed by the rules set forth in this law and its regulations.



**Article 62.** Costa Ricans and foreigners are authorized to engage in fishing, pursuant to this law and its regulations.

**Article 63.** Mainland and island fishing licenses shall be issued by the National System of Conservation Areas\* of the Ministry of the Environment and Energy\* after application and payment of the respective fee established herein.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "General Wildlife Directorate")*

**Article 64.** The fee for the mainland or island sport fishing license shall be set by executive decree.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 65.** Children, those who apply for scientific or cultural purposes or for subsistence, and persons with limited economic resources, as confirmed by the rules established in this law and its regulations, are exempted from payment of fees for fishing licenses.

**Article 66.** Fishing licenses for citizens and residents shall be valid for one year from their date of issue. Licenses for non-resident foreigners shall be valid for a maximum of sixty days.

**Article 67.** Mainland or island sport or subsistence fishing may be practiced solely with hooks with either a rod and reel or a hand line.

**Article 68.** Fishing with explosives, gunpowder, fireworks, poisons, lime, spear guns, cast nets, trammel nets, seines, multiple fishing lines and any other method not authorized in this law and its regulations, is prohibited in bodies of water up to their outlets.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 69.** The Ministry of Health, in coordination with the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* and other competent agencies shall oversee the prevention and control of solid or liquid waste expulsion into national waters.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

## **CHAPTER IX**

### **Import, Export and Transit of Wild Species**

#### **Included in CITES**

*(As amended from the previous chapter by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 70.** This chapter will regulate activities related to the import, export and transit of wild flora and fauna under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

**Article 71.** The National System of Conservation Areas shall be the Management Authority, in accordance with the provisions of the Convention on International Trade in Endangered Species of Wildlife\*, its main function being to fulfill the objectives of the Convention and to grant or refuse, where appropriate, export and import permits and certificates of origin.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**Article 72.** For an export permit to be granted, it must first be shown that:

1. The flora or fauna specimens were not acquired or hunted in violation of the provisions of this law and its regulations.
2. The report by the scientific authority is completed and available.
3. Animal transport and handling is satisfactory as stipulated by the Department of Health and Livestock Production of the Ministry of Agriculture and Livestock.
4. The importing country's Management Authority has authorized the importation of animals or plants and their products or by-products.

**Article 73.** The Management Authority shall prepare a written report in the first quarter of each year and shall submit a copy of it to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The contents of this report shall be established in the regulations hereof, within the parameters set by the CITES Secretariat.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 74.** The executive branch shall appoint one or more scientific authorities, whose role will be to advise SINAC on technical and scientific wildlife matters related to international trade for fulfillment of the objectives of the Convention and this law.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 75.** Import or export of wild fauna or flora included in Appendices I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall not be permitted when the scientific authority can show that the import or export is to the detriment of national wild flora and fauna. Export permits will be issued solely for species included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), provided they were animals or plants artificially propagated for scientific or cultural purposes.

Export permits shall be valid for three months from the date of issue.

Export permits shall be issued solely for species included in Appendices II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), provided they were animals or plants propagated in wildlife management sites pursuant to Article 14 bis hereof, whether or not for commercial, scientific, or academic purposes. Export permits shall be valid for three months from the date of issue.

Specimens of species included in CITES Appendix I, captive-bred in propagation programs duly registered with the Secretariat, as provided in Article 14 bis, shall be deemed Appendix II species as established by said Convention and may therefore be exported with the respective permits from the Management Authority as established in the preceding article.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 75 bis.** Hybrids of species included in CITES Appendices I and II will inherit the highest protection category from their parent species, and the provisions of the preceding article shall prevail for their trade and export.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

**Article 76.** All international transfer of wild fauna and flora passing in transit through the national territory must have the respective permits in accordance with the provisions of the regulations hereof.

**Article 76 bis.** Wildlife organisms forming part of circuses, street shows and similar public organizations shall be allowed entry into the national territory, only when in transit as a land bridge between one border post and another, in which case they must have CITES and other necessary permits issued by SINAC and the National Animal Health Service (SENASA) of the Ministry of Agriculture and Livestock authorities, as well as all relevant documentation.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

**Article 77.** When animals or plants have been handled in violation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), they will be returned to the country of origin; if the country of origin does not show interest in repatriating the specimens, they must be transferred to a rescue center duly authorized by the SINAC.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 78.** The following ports are legally authorized for the import, export, or transit of wild fauna or plants: Juan Santamaría International Airport, Puntarenas, Caldera, Limón, Peñas Blancas, Paso Canoas, or any other port that, in the future, meets the requirements of this law and its regulations.

**Article 79.** Export, import or trade in wild fauna and flora or their products, parts or derivatives included in the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) with countries applying the same or equivalent measures to those established by the Convention is prohibited.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 80.** The government may not enter reservations with respect to one or more animal or plant species included in the international trade appendices, in accordance with the Convention on International Trade in Endangered Species Wild Fauna and Flora (CITES).

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 81.** The amount of the fee for granting each Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) export permit will be established by executive decree. It shall be deposited in the Wildlife Fund account and the resources shall be used in the operation of the local structure of said Convention.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

## **CHAPTER X**

### **Wildlife Refuges**

**Article 82.** National wildlife refuges shall be those areas the executive branch declares or has declared as such for the conservation, management and protection of wildlife, especially endangered species. For classification purposes there are three kinds of national wildlife refuges:

*(As amended from the previous paragraph by Article 1 of Law No. 9106 of December 20, 2012)*

- a) State-owned refuges,
- b) Mixed ownership refuges, and
- c) Privatelyowned refuges.

Natural resources included within national wildlife refuges, are under the



jurisdiction and exclusive management of the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*, as determined in this law and its regulations.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

Natural or legal persons wishing to undertake activities or projects for development and exploitation of natural resources included within type b and c refuges shall require authorization from the National System of Conservation Areas\*. Such authorization shall be granted according to conservation and strict "sustainability" criteria for the protection of natural resources and shall be analyzed through submission of an impact assessment of the proposed action, following the relevant technical and scientific methodology. This assessment shall be paid by the person concerned and prepared by competent professionals in the field of natural resources.

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

Only activities defined in the management plan for the protected area will be permitted in state-owned and mixed ownership refuges, after submission of the respective environmental impact assessments.

*(The preceding paragraph as added by Article 2, section a of Law No. 9106 of December 20, 2012)*

**Article 82 bis.** Mixed-ownership and private -owned wildlife refuges shall be considered by MINAE in its environmental services payment decisions.

*(As added by Article 2, section b of Law No. 9106 of December 20, 2012)*

national wildlife refuges, except for management and removal for plant nurseries or animal breeding facilities, after completion of the relevant scientific and technical studies. The National System of Conservation Areas\* shall have the authorities and duties established by Law No. 6043 for National Wildlife Refuges, including areas of the maritime-terrestrial zone.

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously*

*designated as "Wildlife Department")*

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**Article 84.** The executive branch is hereby empowered to establish national wildlife refuges within forest reserves and on the lands of autonomous or semi-autonomous and municipal institutions, after a favorable decision by same. They may also be established on private lands after permission is obtained from the owners. In the event of opposition, the respective expropriation must be decreed.

**Article 85.** Transfers **Article 86.** *(Repealed by Article 64, section n of the Expropriation Act, Law No. 7495 of May 3, 1995)*

**Article 87.** Owners of lands meeting the proper conditions for the establishment of wildlife refuges may apply for such classification at the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*. According to the guidelines established in the regulations hereof, after their respective classification the areas shall remain under the administration of the National System of Conservation Areas\*\* for the purpose of wildlife conservation. Lands thus affected shall be exempt from property tax.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

## **CHAPTER XI**

### **OFFENSES**

#### **FLORA**

*(As amended from the previous chapter by Article 1 of Law No. 8689 of December 4,*

2008)

**Article 88.** Violations of this law under this chapter shall constitute offenses.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 89.** The penalties to be imposed for the commission of offenses under this law shall be determined within the corresponding minimum and maximum limits, according to the seriousness of the damage caused to the environment and other criteria under the Criminal Code to that effect.

For application of the fines provided in this chapter, the concept of "base salary" shall as defined in Article 2 of Law No. 7337 of May 5, 1993.

The fines shall be paid through the state commercial banks designated by the respective authority within fifteen (15) days from the definitive ruling.

In the event of default in payment of the fines, Criminal Code provisions will apply for converting fines to imprisonment, if the convicted person has the ability to pay, and its replacement with public service work if the person does not.

For offenses under this law, the judge may also impose, as an accessory penalty and by reasoned judgment, payment of the offender's respective permit, license or authorization and disqualification to obtain this again for a period of six (6) months to twelve (12) years. The foregoing is without prejudice to any administrative measures taken by the Ministry of the Environment and Energy (MINAE)\*, in the exercise of its powers.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

establishment Should the owner of a commercial establishment be convicted of for

illegal trade of wildlife, the municipality in which the offense was committed may cancel the license after notifying the National System of Conservation Areas.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 90.** Whosoever removes or destroys without authorization plants or their products in official protection areas or duly authorized private areas shall be punished with a fine of one (1) to three (3) base salaries or imprisonment for two (2) to four (4) months and confiscation of the items constituting the results of the offense.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 91.** Whosoever imports or exports, without authorization from the National System of Conservation Areas, wild flora or their products or by-products shall be punished as follows:

**a)** With a fine of one (1) to ten (10) base salaries or imprisonment for two (2) to four (4) months, and confiscation of the items constituting the results of the offense, when the species are declared endangered or having reduced populations or are included in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora\*.

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**b)** With a fine of five (5) to fifteen (15) base salaries or imprisonment for three (3) to six (6) months, in the case of products or by-products of timber trees declared endangered or having reduced populations and included in the CITES Appendices.

**c)** With a fine of fifty percent (50%) of one (1) to three (3) base salaries or imprisonment for one (1) to three (3) months, and confiscation of the items constituting the results of the offense, in the case of plants that are not endangered.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 92.** Whosoever trades, transfers, deals in or traffics in wild flora or their

products or by-products without the respective permit from the National System of Conservation Areas shall be punished with a fine of five (5) to ten (10) base salaries or imprisonment for three (3) to six (6) months and confiscation of the items constituting the results of the offense, in the case of plants that have been declared endangered by the executive branch or by international conventions.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

## **FAUNA**

**Article 91.** Whosoever hunts wild fauna or destroys their nests, without authorization from the National System of Conservation Areas, shall be punished as follows:

**a)** With imprisonment for one (1) to three (3) years and confiscation of the equipment used and the animals constituting the results of the offense, when the conduct is carried out to the detriment of wild animals declared endangered or having reduced populations, anywhere in the national territory.

**b)** With a fine of ten (10) to thirty (30) base salaries or imprisonment for six (6) months to one (1) year, and confiscation of the equipment used and the items constituting the results of the offense, when the conduct is carried out in official wildlife conservation areas\*\* or duly authorized private areas to the detriment of animals which are not endangered or having reduced populations. The same penalty shall be imposed on whosoever hunts or captures wild animals that are not endangered or having reduced populations, including in research programs duly authorized by MINAE\*.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously*

*designated as "plants and wild animals")*

**c)** With a fine of one to five base salaries or imprisonment for two to four months, and confiscation of the weapons and items constituting the results of the offense, in the case of species not indicated in the preceding paragraphs which are subject to closed seasons.

*(The preceding section as amended by Article 1 of Law No. 9106 of December 20, 2012)*

In these cases, the weapons will be handed over to the Ministry of Public Security to be used or, alternatively, destroyed. Traps and other hunting tools, and the vehicles used, shall become the property of the National System of Conservation Areas, in accordance with the regulations hereof.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 94.** Whosoever, without authorization from the National System of Conservation Areas, uses poisonous or hazardous substances or materials, explosives, pesticides or any other method capable of removing wild animals in a way that endangers their survival in the zoogeographic region of the event shall be punished with a fine of ten (10) to thirty (30) base salaries or imprisonment for one (1) to two (2) years, as long as a more serious crime is not committed, and forfeiture of the respective equipment or material.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 95.** Whosoever trades, transfers, deals in or traffics in wild animals or their products and derivatives without the required permit from the National System of Conservation Areas shall be punished as follows:

**a)** With a fine of ten (10) to forty (40) base salaries or imprisonment for one (1) to three (3) years, and confiscation of the animals or products involved in the offense,

in the case of species whose populations have been declared reduced or endangered.

**b)** With a fine of one (1) to five (5) base salaries or imprisonment for four (4) to six (6) months, and confiscation of the animals or products leading to the offense, in the case of animals that are not endangered or having populations that have been declared reduced.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 95.** Whosoever exports or imports wild animals or their products and derivatives without the required permit from the National System of Conservation Areas shall be punished as follows:

**a)** With a fine of ten (10) to forty (40) base salaries or imprisonment for one (1) to three (3) years, and confiscation of the items involved in the offense, in the case of species whose populations have been declared reduced or endangered and species included in CITES Appendices.

**b)** With a fine of one (1) to five (5) base salaries or imprisonment for four (4) to eight (8) months, and confiscation of the items involved in the offense, in the case of animals that are not endangered or having reduced populations.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 97.** Whosoever fishes in publically owned inland waters – rivers, streams and creeks to their outlets, lakes, ponds, reservoirs, estuaries, and other wetlands – using explosives, spear guns, cast nets, seines, multiple lines, trammel nets or any other method that endangers the continuity of the species shall be punished with a fine of five (5) to ten (10) base salaries or imprisonment for two (2) to ten (10) months, and confiscation of the respective equipment or material. Fishing taking place in inland waters using poisons, lime or pesticides shall be punished with a fine of ten (10) to thirty (30)

base salaries or imprisonment for one (1) to two (2 ) years, provided that a more serious crime is not committed, and confiscation of the respective equipment and material.

The same penalty shall be imposed on whosoever harms populations of target fish and incidental take species and the ecosystems upon which they depend for their biological functions, such as marine, coastal marine, rocky, coral, mangrove, river, marsh, estuary and grass bank ecosystems.

*(The preceding paragraph as added by Article 2, section a of Law No. 9106 of December 20, 2012)*

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 98.** Whosoever drains, dries out, fills or eliminates lakes, non-artificial lagoons and other wetlands, whether or not declared as such, without prior authorization from the National System of Conservation Areas shall be punished by imprisonment for one (1) to three (3) years.

In addition, offenders will be required to leave things in the state they were in before starting the work impacting the wetland; for this, the National System of Conservation Areas is empowered to carry out the necessary work, but at the offender's expense.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 99.** Whosoever, without authorization from the competent authorities, introduces or releases exotic species or materials for biological control into the environment, endangering wildlife conservation\*, shall be punished with a fine of ten (10) to thirty (30) base salaries or imprisonment for one (1) to two (2) years, if a more serious crime is not committed, and forfeiture of the respective equipment or material.



*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**Article 100.** Whosoever disposes of wastewater, sewage, sludge, waste or pollutants into springs, rivers, brooks, permanent or temporary streams, lakes, ponds, natural or artificial reservoirs and marshes, estuaries, bogs, swamps, wetlands, and fresh, brackish or salt water, in their watercourses or their respective protection areas shall be punished by imprisonment of one (1) to three (3) years, provided a more serious crime is not committed.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

## **CHAPTER XII**

### **CONTRAVENTIONS**

**Article 101.** For application of the fines provided in this chapter, the concept of "base salary" shall be construed as defined in Article 2 of Law No. 7337 of May 5, 1993.

The fines shall be paid through the state commercial banks designated by the respective authority within fifteen (15) days from notification of the ruling.

The procedure in the event of default in payment is subject to the relevant provisions of the Criminal Code.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

## FLORA

**Article 102.** Whosoever removes plants or their products from official protection areas or duly authorized private areas, non-commercially and without authorization from the National System of Conservation Areas, shall be punished with a fine of twenty-five percent (25%) to fifty percent (50%) of one (1) base salary and confiscation of the items constituting the results of the contravention.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 103.** Whosoever removes or trades in roots or stems of tree ferns, without authorization from the National System of Conservation Areas, shall be punished with a fine of fifty percent (50%) to one hundred percent (100%) of one (1) base salary.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 104.** Whosoever removes or trades in wild plants, without authorization from the National Conservation Area, shall be punished with a fine of fifteen percent (15%) to thirty percent (30%) of one (1) base salary and confiscation of the items constituting the results of the contravention, provided a more serious offense or contravention is not committed.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 105.** Whosoever imports exotic wild plants without authorization from the National System of Conservation Areas shall be punished with a fine of twenty-five percent (25%) to fifty percent (50%) of one (1) base salary and confiscation of the items

constituting the results of the contravention.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

## **FAUNA**

**Article 106.** Whosoever enters official wildlife\* conservation areas or duly authorized private areas carrying knives or firearms, saws, pollutants, nets, trammel nets, spear guns or any other weapons, tools or utensils serving for hunting, fishing, logging, or removal, capture, or movement of wildlife\*, without authorization from the National System of Conservation Areas, shall be punished with a fine of one (1) to three (3) base salaries, provided a more serious offense is not committed.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "plants and wild animals")*

**Article 107.** Whosoever hunts wild animals without the respective license as provided herein shall be punished with a fine of fifty percent (50%) to two base salaries, forfeiture of the corresponding weapons, and confiscation of the items constituting the results of the contravention.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 108.** Whosoever hunts permitted species with improper weapons or projectiles shall be punished with a fine of fifty percent (50%) to one hundred percent (100%) of one (1) base salary, with confiscation of the related weapons and the items constituting the results of the contravention.

The same penalty shall be imposed on whosoever, being authorized to hunt, fails to report the hunted items to the National System of Conservation Areas.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 109.** Whosoever, being authorized to hunt, hunts for population control or fishes beyond the limits established by regulations for number of items, sizes, species and authorized areas shall be punished with a fine of fifty percent (50%) to three base salaries, confiscation of the items or derivatives constituting the results of the offense, and forfeiture of the equipment or material used for the offense; the owner of the equipment used in the offense shall have civil liability.

The same penalty shall be imposed on whosoever, having obtained permits to hunt for subsistence, population control, or scientific collection, uses the items obtained for purposes other than those specified in this law and its regulations.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 110.** Whosoever keeps endangered wild animals or wild animals having reduced populations in captivity or as pets, without authorization from the National System of Conservation Areas, shall be punished with a fine of two to four base salaries, and in the case of wild animals that are not endangered or having reduced populations, a fine of fifty percent (50%) of the base salary to two base salaries. In both cases the animals shall be confiscated.

*(As amended by Article 1 of Law No. 9106 of December 20, 2012)*

**Article 111.** Whosoever engages in taxidermy or commercial processing of the furs of wild animals without due permission from the National System of Conservation Areas shall be punished with a fine of twenty-five percent (25%) to fifty percent (50%) of one (1) base salary. The same penalty shall apply to whosoever fails to keep the required control book.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 112.** Whosoever voluntarily stops looking for the items they have hunted or fished, thereby resulting in the waste of the resource, shall be punished with a fine of twenty-five percent (25%) to fifty percent (50%) of one (1) base salary.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 113.** Whosoever fishes without the respective license shall be punished with a fine of fifty percent (50%) to two (2) base salaries, forfeiture of the rods, reels, lures and hooks of the respective equipment, and confiscation of the items constituting the results of the contravention.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 114.** Whosoever exceeds the fishing limits in terms of size, quantity, species, and authorized fishing zones shall be punished with a fine of fifteen percent (15%) to thirty percent (30%) of one (1) base salary.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 115.** Whosoever fishes in closed seasons shall be punished with a fine of fifty percent (50%) to one hundred percent (100%) of one (1) base salary and confiscation of the equipment and items constituting the results of the contravention.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 116.** Whosoever provides wild animals with unauthorized foods or substances shall be punished with a fine of fifteen percent (15%) to thirty percent (30%) of one (1) base salary.

*(As amended by Article 1 of Law No. 8689 of December 4, 2008)*

**Article 117.** Procedures instituted in the Criminal Procedure Code shall be followed for prosecution of the contraventions and offenses under this law.

*(As amended by Article 2 of Law No. 8689 of December 4, 2008)*

## **CHAPTER XIII**

## Final General Provisions

**Article 118.** Should public officials participate in the commission of offenses and contraventions hereunder in the exercise or course of their duties, the punishments provided for each case shall be increased by one-third. Moreover, the judge may impose on violators, as an additional punishment and by reasoned judgment, disbarment from office for four (4) to twelve (12) years, without prejudice to other applicable administrative, civil, and criminal penalties.

Public officials who, despite having knowledge of conduct constituting violations of this law and its regulations, fail to take the appropriate actions within their power to stop said conduct and ensure punishment of those responsible, will have committed breach of duties and shall be punished with the penalty specified in Article 332 of the Criminal Code, independently of any liability arising from their participation in the illegal acts they permitted.

*(The original Article 118 was repealed by Article 4 of Law No. 8689 of December 4, 2008, which also orders the numbering to be changed, so Article 122, amended by Article 2 of same, has become the current Article 118, remaining once again in force.)*

**Article 119.** All weapons and equipment seized for violations of this law and its regulations shall be turned over to the competent judicial authority within the following eight business days. Confirmation of the violation shall produce forfeiture of the confiscated material to the government.

The National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*\* may destroy or use the confiscated equipment or artefacts as it deems appropriate. The procedure shall be established in the regulations hereof.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*(The original Article 119 was repealed by Article 4 of Law No. 8689 of December 4, 2008, which also orders the numbering to be changed, so Article 123 has become the current Article 119, remaining once again in force.)*

**Article 120.** The wildlife revenue stamp is hereby created, the denominations of which shall be twenty colones (¢20.00), fifty colones (¢50.00) and one hundred colones (¢100.00). Proceeds from the revenue stamp shall be deposited in the Wildlife Fund for compliance with the provisions of this law and its regulations.

Wildlife stamps shall be paid in the following cases according to the specified amount:

- a) A twenty-colon (¢20.00) stamp shall be paid for annual circulation permits for any kind of motor vehicle.
- b) A fifty-colon (¢50.00) stamp shall be paid for first-time registration of motor vehicles at the Public Registry of Vehicle Ownership.
- c) A one-hundred-colon (¢100.00) stamp shall be paid for every wild animal or wild plant export permit, except for export permits for research purposes, museums or educational purposes.

*(The original Article 120 was repealed by Article 4 of Law No. 8689 of December 4, 2008, which also orders the numbering to be changed, so Article 124 has become the current Article 120, remaining once again in force.)*

**Article 121.** The National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\* is hereby empowered to set the fee amounts for entrance, hunting, fishing, and collection\*\* of live species, their products or derivatives, as well as services and concessions in national wildlife refuges, as long as the decision is substantiated with scientific criteria.



*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "harvesting")*

Funds generated by said activities shall be administered by the General Directorate through the Wildlife Fund, pursuant to Article 11 hereof.

*(The original Article 121 was repealed by Article 4 of Law No. 8689 of December 4, 2008, which also orders the numbering to be changed, so Article 125 has become the current Article 121, remaining once again in force.)*

**Article 122.** The provisions hereof shall not apply to ocean fishing or to treatment and combat of pests or contagious diseases, which shall continue to be governed by existing provisions, nor shall they apply to farmers who kill or destroy wild animals in defense of their crops, after obtaining the appropriate permit from the National System of Conservation Areas\*\* of the Ministry of the Environment and Energy\*.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*\*\* (Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

*(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved it from number 126 to the current 122).*

**Article 123.** The fees specified herein shall be adjusted automatically and annually in accordance with the inflation rate established by the Central Bank for the previous year. For the purposes of the foregoing paragraph, the Ministry of the Environment and Energy\* shall ask the Central Bank to certify said inflation rate.

*\*(Name amended by Article 11 of the Law for Transfer of the Telecommunications Sector from the Ministry of the Environment, Energy, and Telecommunications to the Ministry of Science and Technology, Law No. 9046 of June 25, 2012)*

*(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved it from number 127 to the current 123).*

**Article 124.** Law No. 4551 and Law No. 6919 and any other opposing laws are hereby repealed.

*(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved it from number 128 to the current 124).*

**Article 125.** The executive branch shall regulate this law within ninety days following its enactment.

*(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved*

*it from number 129 to the current 125).*

**Article 126.** Independent of any personal, civil or criminal liability that may fall on shareholders, official representatives or agents, legal entities involved in the commission of unlawful acts hereunder shall be jointly and severally liable for damages and losses caused to wildlife and the environment in general and must repair them in their entirety. Likewise, natural or legal persons in the same economic interest group as the offending legal entity shall also be held jointly and severally liable.

*(As amended by Article 2 of Law No. 8689 of December 4, 2008, and its numbering changed by Article 4 of same, moving it from the previous number 130 to the current 126)*

**Article 127.** All hunting licenses must carry a stamp, without postal value, issued by the Wildlife Foundation. The value of this stamp shall be two hundred and fifty colones (¢250.00) for citizens and foreign residents and two thousand colones (¢2,000.00) for nonresident foreigners.

The amounts collected shall be deposited in the Wildlife Fund and shall be drawn in full, on a quarterly basis, in accordance with the procedure established in Article 11; they shall be used to assist the National System of Conservation Areas\* in wildlife management training and protection programs.

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")  
(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved it from number 131 to the current 127).*

**Article 128.** Disposal of wastewater, sewage, waste or pollutants into springs, rivers, brooks, permanent or temporary streams, lakes, natural or artificial reservoirs and marshes, estuaries, bogs, swamps, wetlands, or fresh, brackish or salt water, in their watercourses or their respective protection areas is hereby prohibited.

Agribusiness, industrial and other facilities must have with treatment systems in place to prevent solid waste or contaminated water of any type from destroying wildlife. Water quality shall be certified by the Ministry of Health.

*(As amended by Article 2 of Law No. 8689 of December 4, 2008, and its numbering changed by Article 4 of same, moving it from the previous number 132 to the current 128)*

**Article 129.** This law shall take effect upon its publication.

*(Numbering as changed by Article 4 of Law No. 8689 of December 4, 2008, which moved it from number 133 to the current 129).*

**Article 130.** *(Note: Article 4 of Law No. 8689 of December 4, 2008, changed the numbering of this article such that its text is currently under Article 126.)*

**Article 131.** *(Note: Article 4 of Law No. 8689 of December 4, 2008, changed the numbering of this article such that its text is currently under Article 127.)*

**Article 132.** *(Note: Article 4 of Law No. 8689 of December 4, 2008, changed the numbering of this article such that its text is currently under Article 128.)*

**Article 133.** *(Note: Article 4 of Law No. 8689 of December 4, 2008, changed the numbering of this article such that its text is currently under Article 129.)*

**Transitory Provision I.** The Ostional National Wildlife Refuge is hereby created, which, for the purposes hereof, shall be located in the two-hundred-meter maritime-terrestrial zone extending from Punta India to Punta Guiones, Nicoya Canton, Guanacaste Province. The executive branch shall demarcate the Refuge within thirty days following publication hereof.

*(By Article 1 of Executive Decree No. 22551 of September 14, 1993, the area of the Ostional National Wildlife Refuge was expanded, and Article 2 thereof states the sectors that constitute it.)*

**Transitory Provision II.** The National System of Conservation Areas\* is hereby authorized to use any available budget surplus or land title investments to fulfill the objectives set out herein until the transfers and disbursements provided in Article 11 hereof are operating efficiently.

*\*(Name amended by Article 3 of Law No. 9106 of December 20, 2012; previously designated as "Wildlife Department")*

**Transitory Provision III.** Existing agribusinesses or industries in Costa Rica that dispose of wastewater, sewage, waste or polluting substances into springs, rivers, brooks, permanent or temporary streams, lakes, natural or artificial reservoirs and marshes, estuaries, bogs, swamps, or fresh, brackish or salt water shall have a period of two years after the publication hereof for installing the respective treatment system for wastewater, sewage, waste or pollutants; during this time period the penalty stipulated in Article 132 shall not apply.

**Transitory Provision IV.** The provisions of Article 29 shall go into force twenty-four months after the publication hereof.

*(As amended by Article 4 of Law No. 7497 of May 2, 1995, "White-tailed Deer is Declared the National Wildlife Symbol")*

Given in the Office of the President of the Republic, San Jose, on the thirtieth day of October in the year one thousand nine hundred ninety-two.