

LAW NO. 3337

**THE PROVINCIAL HOUSE OF REPRESENTATIVES HAS ENACTED WITH
FORCE OF LAW:**

**LAW ON THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL
DIVERSITY AND ITS COMPONENTS**

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SINGLE TITLE

CHAPTER I

OBJECTIVES

ARTICLE 1 – The objectives of the present Law are as follows:

- (a) The conservation of biological diversity;
- (b) The sustainable use of its components;
- (c) The adoption of appropriate measures to achieve a fair and equitable sharing of the benefits arising out of the utilization of biological resources;
- (d) Regulation of the utilization of biological resources and their components;
- (e) Support for access to biotechnology and appropriate funding;
- (f) The development, implementation and execution of a program of work and research aimed at achieving the objectives set out above;
- (g) Provision of a framework instrument for other regulations that are in force or that may be implemented in the future with regard to the conservation and use of resources: flora, fauna, soil, water, air and others.

CHAPTER II

**NEW RIGHTS AND GUARANTEES UNDER THE NATIONAL CONSTITUTION
AND THE CONVENTION ON BIOLOGICAL DIVERSITY OF THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT, RÍO DE
JANEIRO, 1992**

ARTICLE 2 – The Provincial Executive shall have the authority to administer:

(a) With the National Executive, the support provided for in Article 41 of the National Constitution and the implementation, with respect to the biological diversity of our Province, of National Law No. 24.375 approving the Convention on Biological Diversity, which was adopted in the city of Río de Janeiro, Federative Republic of Brazil, on June 5, 1992, in particular Articles 6, 7, 8, 11, 12 and 13, which are entitled, respectively, "General measures for conservation and sustainable use", "Identification and monitoring", "In-situ conservation", "Incentive measures", "Research and training" and "Public education and awareness";

(b) Externally, the benefits or cooperative measures that are made possible by the aforementioned international convention, directly where appropriate or through the national Ministry of Foreign Affairs and Worship.

CHAPTER III

CONVENTIONS AND AGREEMENTS

ARTICLE 3 – The implementing authority for the present Law may enter into national or international cooperation conventions or agreements, through the Ministry of Foreign Affairs and Worship or directly where appropriate, with government agencies, non-governmental organizations and State or private universities, whether national or international, with a view to achieving the objectives of the present Law.

CHAPTER IV

PROVINCIAL SYSTEM OF PROTECTED AREAS OF BIOLOGICAL DIVERSITY

ARTICLE 4 – The Provincial Executive shall have the authority to develop a program of work and research on the conservation and sustainable use of biological diversity and its components, particularly in protected natural areas of the Province, which could also include guidelines and agreements on the selection, establishment and management of new areas that are important from the point of view of diversity.

CHAPTER V

BIOLOGICAL RESOURCES

ARTICLE 5 – The Provincial Executive shall have the authority to regulate, through the regulations that are established, access to biological resources within the Province, in accordance with the national and provincial legislation in force.

CHAPTER VI

DEFINITIONS

ARTICLE 6 – For the purposes of the present Law, the following definitions shall be established:

"Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial and aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Biological resources" means genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"Biotechnology" means any technological application that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for specific uses.

"Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs.

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"Genetic material" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"Genetic resources" means genetic material of actual or potential value.

"Habitat" means the place or type of site where an organism or population naturally occurs.

"In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Protected area" means a geographically and legally defined area which is intended to achieve specific previously established conservation objectives.

"Sustainable use" means the use of components of biological diversity in a way and at a pace that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"Technology" includes biotechnology.

CHAPTER VII

IMPLEMENTING AUTHORITY

ARTICLE 7 – The Provincial Executive shall determine the implementing authority for the present Law.

CHAPTER VIII

INFRINGEMENTS AND PENALTIES

ARTICLE 8 – Any act or omission that constitutes an infringement of the present Law and/or its regulations or that actually or potentially harms or diminishes biodiversity and/or undermines the proper conservation thereof shall be punishable in accordance with the provisions of the present Law.

ARTICLE 9 – Infringements that may have been committed with respect to the provisions of the present Law and its regulations and the provisions which the implementing authority has adopted by means of a decision shall be punishable with the penalties set out below:

(a) A fine of up to TWO HUNDRED (200) times the minimum wage of the Provincial Public Administration, adjustable depending on the seriousness of the punishable act and/or whether or not the person or persons involved are repeat infringers. In the event of a repeat infringement, the fine may be increased by up to ONE HUNDRED (100) per cent of the aforementioned amount;

(b) Confiscation of the infringing products, movable property, livestock and any item used in the course of the punishable act;

(c) Disqualification or temporary or permanent closure.

ARTICLE 10 – Irrespective of the provisions of the previous article, the penalties already established by the laws in force with respect to the resource in question shall be applied.

ARTICLE 11 – The penalties provided for shall be ordered by the implementing authority, subject to legal proceedings, which shall be conducted in accordance with the regulations.

ARTICLE 12 – For the purposes of classifying the infringer's conduct and adjusting the penalties, the following shall be taken into account:

(a) The fraudulent or culpable nature of the infringement;

- (b) The extent of the damage caused;
- (c) Whether the infringement is a repeat infringement.

ARTICLE 13 – Money collected as a result of the implementation of the present Law and contributions or bequests received shall be placed in the Fund for the Promotion of Protected Natural Areas established by Law No. 2932.

ARTICLE 14 – For the purposes of the previous article, the implementing authority shall be authorized to determine the charges for authorizations, licences and permits, concessions and bond notes, and the fines for infringements or other appropriate charges for the utilization of biological resources.

CHAPTER IX

PROCEDURE

ARTICLE 15 – The implementing authority shall be authorized to carry out inspections, make the necessary decisions and record infringements of the present Law or its regulations, anywhere in the Province, with a view to verifying compliance with the Law. It may request the cooperation of other official agencies or the assistance of the police for this purpose.

ARTICLE 16 – In court cases for infringements of the present Law, the general procedures established by Law No. 2970 and the special procedures established by the regulations shall be applied, without prejudice to criminal prosecutions that may be instituted.

ARTICLE 17 – The use or utilization of biological resources which are to be regulated in the future shall be carried out in accordance with the provisions of the present Law.

ARTICLE 18 – The present Law shall be transmitted to the Executive.

Done at the Meeting Hall of the House of Representatives in Posadas on October 3, 1996.

RAMÓN OSCAR CAMARGO
Legislative Secretary
c/o Parliamentary area
House of Representatives

CESAR RAÚL HUMADA
President
House of Representatives

APPROVED BY DECREE NO. 1401 (OCTOBER 17, 1996)

Translated from Spanish

6

See Regulatory Decree No. 474