Forestry Law - Law 7575 of 1996 (Costa Rica)

Law
Country [Costa Rica](#) [10]
Status Active
Date established 1996
Primary Focal area Natural Resource Management
Level National
Ley Forestal - Ley 7575 del 1996 (Costa Rica)

Summary

The Forestry Law (Law 7575 of 1996) establishes the legal and institutional framework for forest management in Costa Rica. It provides the basis for the Payment for Ecosystem Services Programme (PPSA) and thereby REDD+. Decree 25721 of 1997 regulates the Forestry Law, providing more detail on its operation. An annual Executive Decree sets the different modalities for PPSA each year and the areas that the National Forest Finance Fund (FONAFIFO) will support in each modality that year.

The Forestry Law is strongly conservationist: Forests within national reserves or on State Property are patrimony of the State (Art. 13) and harvesting them is prohibited (Art. 1). Converting forests on private land to other uses is also prohibited (with certain limited exceptions via permit) (Art. 19). Indigenous communities may only make use of their forests for subsistence. Harvesting of wood from private forests is only allowed if there is a management plan in place (Art. 20) certified by a forestry engineer (Regente Forestal) that is a member of the College of Agricultural Engineers (CIAgro). Harvested wood requires a permit for transit (Arts. 31, 55, 56) and may not be sold abroad (Art. 26).

Art. 3(k) recognises four environmental services: (i) mitigation of greenhouse emissions through emissions reduction and carbon fixation, capture, storage or absorption; (ii) protection of water for urban, rural or hydroelectric use; (iii) biodiversity conservation for conservation, sustainable use, scientific investigation or genetic enhancement; and (iv) protection of ecosystems or scenic natural beauty for tourism or science. The principles of PPSA are set out at Arts. 22-25: FONAFIFO will recognise the provision of these services from forest conservation by issuing Forest Conservation Certificates (CCB). CCBs can be issued over forest that has been standing for at least two years and are valid for 20 years (Art. 22), during which the forest must be conserved. Landowners can use CCB to pay taxes and fees owed to Government.
Art. 69 envisaged that FONAFIFO would receive a third of all fuel tax receipts to fund the PPSA. Art. 5 of the 2001 Tax simplification and efficiency law later reduced this to 3.5%.

The Forestry Law creates a new institutional framework for forest management:

Arts. 5-6 create the State Forest Administration (AFE), led by the Ministry of Environment and Energy (MINAE). According to Decree 27521. MINAE will run the AFE through the National Conservation Areas System (SINAC).

Arts 7-11 create the National Forestry Office (ONF) as a public non-State body to advise MINAE on forestry policy and to promote the forestry sector, particularly the participation of smallholders within it (art. 10). It regulates the composition of its board of directors (art. 10) and its financing (art. 11).

Art. 12 gives Regional Environmental Councils a limited role in decentralised forestry management (Art. 12). They should guide the forest sector locally and can authorise the harvesting of up to 5 trees per year per hectare from agricultural land (Art. 27). These were never set up, meaning that in practice the regional offices of SINAC have performed this function.

Arts. 46-51 establish FONAFIO to: (i) promote, for the benefit of small and medium producers, forest management, reforestation, afforestation, plantations and agro-forestry; and (ii) collect funds for the payment of ecosystem services.

Art. 3(d) gives the Costa Rican definition of “forest” as: Native ecosystem (intervened or not) covering 2 or more ha, comprised of mature trees of different ages and species, with one or more canopies covering 70% of the area, and where there are more than 70 trees per hectare with a diameter at chest height of at least 15cm.

Arts. 58-67 set out the scheme of sanctions for infringement of the Forest Law, ranging from three months to three years in prison. Penalties will be increased by 30% in the case of public officials (Art. 67).

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