

TRANSLATION-----

NATIONAL SYSTEM OF MARINE PROTECTED AREAS

Law No. 27,490

Creation of Marine Areas. Law No. 27,037. Amendments.

The Senate and the House of Representatives of the Argentine Republic, in Congress assembled, have enacted the following provisions with the force of law:

TITLE I

AREAS INCLUDED IN THE NATIONAL SYSTEM OF MARINE PROTECTED AREAS

Section 1. The “Namuncurá - Burdwood Bank II” marine protected area is hereby created, within the Strict Marine National Reserve and Marine National Reserve management categories, over the entirety of the continental shelf and waters overlying the seabed and subsoil of the Argentine maritime areas whose boundaries are specified in Annex I, which forms an integral part hereof, with a total surface area of thirty-two thousand, three hundred thirty-six point three square kilometres (32,336.3 sq. km.).

As from the date of promulgation of this law, the Argentine maritime area specified in the abovementioned Annex shall be subject to the provisions of Law No. 27,037, as supplemented and/or amended.

Section 2. The “Yaganes” marine protected area is hereby created, within the Strict Marine National Reserve, Marine National Park and Marine National Reserve management categories, over the entirety of the continental shelf and waters overlying the seabed and subsoil of the Argentine maritime areas whose boundaries are specified in Annex II, which forms an integral part hereof, with a total surface area of sixty-eight thousand eight hundred thirty-four point thirty-one square kilometres (68,834.31 sq. km.).

As from the date of promulgation of this law, the Argentine maritime area specified in the abovementioned Annex shall be subject to the provisions of Law No. 27,037, as supplemented and/or amended.

TITLE II

AMENDMENTS TO LAW No. 27037 ON THE NATIONAL SYSTEM OF MARINE PROTECTED AREAS

Section 3. The text of Law 27,037, Section 5 (a) (i) is hereby replaced with the following provision:

i. Military surface and submarine exercises that have an impact on species and ecosystems, and residual waste from such activities.

Section 4. The text of Law 27,037, Section 6, is hereby replaced with the following provision:

Section 6: In addition to the powers and duties vested by this law and its regulations, the application authority shall have the following powers and duties:

- I. To manage and oversee the National System of Marine Protected Areas.
- II. To propose actions aimed at the preservation and sustainable use of marine ecosystems by means of marine protected area management, coordinating such actions with national Executive Branch authorities with power over marine affairs.
- III. To incentivize research for the adoption of preservation policies for marine ecosystems and natural resources, in coordination with the Secretariat of State for Science, Technology and Productive Innovation, and the Secretariat of State for Environment and Sustainable Development.
- IV. To develop education and environmental campaigns in accordance with the purposes of this law.
- V. To coordinate with the Secretariat of State for Science, Technology and Productive Innovation and/or with the Pampa Azul Initiative, as amended from time to time, relevant mechanisms for the conduct of scientific research aimed at fulfilling the objectives of this law, as well as to adhere and/or include the resulting data in the National Sea Data System, or any future system.
- VI. To draft a management plan for each marine area established within a period of five (5) years from creation, by means of a consultative, participatory process, including a long-term ecology-based vision and protection through an ecosystemic approach, zoning if applicable, a public awareness-raising policy, and mechanisms for control and monitoring.
- VII. To draft the report required under Section 9 of this law.
- VIII. To draft and issue the regulations for the operation of the advisory committees provided for under Sections 10 and 11 of this law.
- IX. To approve studies, programmes, projects or activities to be carried out within the areas of the system, in coordination with authorities with competence over the subject-matter, as applicable.

- X. To promote actions that foster community involvement in issues relating to marine protected areas.
- XI. To coordinate actions with institutions from the Science and Technology System, or any future system, for the purpose of implementing plans in which interdisciplinary projects are created comprising background research, wildlife and marine environment conservation, as well as the use of renewable resources in furtherance of the purposes of this law.
- XII. To ensure access to the information obtained in the context of the National System of Marine Protected Areas pursuant to the provisions of Law No. 25,831, as supplemented and/or amended.
- XIII. To issue any relevant regulations in its capacity as application authority.
- XIV. To enforce penalties applied for violations of the law and its regulatory decree and regulations.
- XV. Generally, to carry out all actions and enter into all agreements conducive to better fulfilment of the purposes of the law.

Section 5. The text of Law 27,037, Section 7, is hereby replaced with the following provision:

Section 7: Management plans established under paragraph VI of the preceding section shall be reviewed at least every five (5) years, and any resulting amendments shall be published in public information access sites of the application authority.

Section 6. The text of Law 27,037, Section 10, is hereby replaced with the following provision:

Section 10: The application authority shall set up a standing non-binding advisory committee to the National System of Marine Protected Areas, chaired by the application authority and comprised of a representative of each of the following: the Secretariat of State for Environment and Sustainable Development; the Ministry of Foreign Affairs and Worship; the Secretariat of State for Science, Technology and Productive Innovation; the National Scientific and Technical Research Council (CONICET); the Ministry of Defence; the Ministry of Security, and the Secretariat of State for Agroindustry.

This committee shall have the following duties:

- i. To assist the application authority in the achievement of basic institutional agreements for the fulfilment of its purposes;
- ii. To provide guidance on rational use of human, financial and equipment resources available in other Federal Government agencies, for the purposes of this law;
- iii. To assist in the drafting and review of management plans;
- iv. To issue opinions on agreements and guidelines as requested.

The application authority may identify other specific duties for the standing non-binding advisory committee by means of a well-founded decision.

Expenses associated with representation in this advisory committee will be covered by each of the bodies that may be called upon; participation will be unremunerated.

Section 7. The text of Law 27,037, Section 11, is hereby replaced with the following provision:

Section 11: The application authority may establish a non-binding ad-hoc advisory committee for each marine protected area that represents government entities, scientific bodies, universities, as well as representatives of non-governmental organizations specializing in marine affairs, for the purpose of facilitating the drafting, review and assessment of implementation of management plans for each marine protected area created.

Privately-owned legal entities covered by Section 148 of the Argentine Civil and Commercial Code participating in the advisory committee provided for in this section shall provide evidence of their registration with the Argentine Corporate Records Office and shall conduct their activities in accordance with laws in force in the Argentine Republic.

Section 8. Section 11 bis is incorporated into Law 27,037, which shall read as follows:

Section 11 bis: Non-governmental organizations with legal entity status in the federal, provincial, regional or municipal territory whose purpose is to carry out activities related to this law that wish to participate in the ad-hoc advisory committee shall be registered in a Non-Governmental Organization Registry.

The National Registry shall have the following purposes:

- a) To record the existence of and systematize information on all Non-Governmental Organizations with legal entity status in the federal, provincial, regional or municipal territory that wish to participate in the ad-hoc advisory committee.
- b) To provide information on the existence, background and operation of said organizations in response to any requests.

Section 9. Section 11 ter is incorporated into Law 27,037, which shall read as follows:

Section 11 ter: Organizations shall file the following documents with the application authority for admission and registration:

- a) instrument of incorporation;
- b) list of members of the Board of Directors;
- c) proof of legal entity status; and
- d) bylaws and regulations.

Any amendment to the bylaws or renewal of authorities upon expiration of their terms shall be informed by the Non-Governmental Organizations within a period of one hundred and twenty (120) days in order to maintain their status. Upon the expiration of said period, their registration will automatically be cancelled.

Section 10. The text of Law 27,037, Section 12, is hereby replaced with the following provision:

Section 12: In the event of a violation of the provisions of this law, its regulations and any other regulations that may be set forth in management plans, the application

authority shall be competent to apply any relevant penalties, and shall cause any competent authorities to intervene.

Section 11. Section 12 bis is incorporated into Law 27,037, which shall read as follows:

Section 12 bis: Any violation of this law, its regulatory decree, and supplementary regulations issued by the application authority or set forth in management plans shall be punishable by:

- a) Warning, in the case of minor violations;
- b) Fine in an amount ranging from ten thousand (10,000) fixed units to one million (1,000,000) fixed units;
- c) Special prohibition from holding public office for one (1) to five (5) years;
- d) Suspension of activities authorized and/or allowed by the application authority for up to one hundred and eighty (180) days;
- e) Confiscation of the goods and/or property involved.

Where the violation involves the areas specified in Section 5 (a), (b) and (c) of this law, the highest penalty imposed may be of up to ten million (10,000,000) fixed units.

The Federal Executive Branch is hereby authorized to issue the procedural rules subject to which the application authority will impose penalties. Due process rights shall be protected. Penalties may be appealed from to the Argentine Court in Administrative Matters for the City of Buenos Aires.

The power to establish and update the value of fixed units shall be delegated to the Federal Executive, which may delegate to the application authority the power to perform half-yearly updates of said value based on the variation of the Wholesale Price Index, General Price Level, compiled by the National Institute of Statistics and Censuses.

Actions to impose penalties for violations of this law and its regulations shall become time-barred following a period of five (5) years. Said period shall begin on the date of the violation.

Section 12. Section 12 ter is incorporated into Law 27,037, which shall read as follows:

Section 12 ter: Federal agencies shall provide any cooperation required in order for the application authority to be able to perform its duties.

Agencies with power over maritime areas covered by the National System of Marine Protected Areas shall ensure adequate cooperation with the application authority in the oversight of all matters involving compliance with this law.

Any entity or public authority that regulates activities to be performed within the jurisdiction of marine protected areas created under this law shall previously cause the application authority to take the steps incumbent upon it.

TITLE III

TRANSITORY PROVISIONS

Section 13. Budget. Expenditures arising from compliance with this law shall be borne by the Federal Government and charged to the General Budget of the National Administration.

The Argentine Executive is hereby authorized to make any amendments and additions to the budget law relating to the federal government's expenses and resources for the current tax year in connection with all matters deemed necessary for the implementation of this law.

Section 14. Organizational structure. The application authority shall submit its organizational structure to the Argentine Executive for approval.

Section 15. Be it notified to the Argentine Executive Branch.