

## Extract and Summary of Law 42/2007, 13<sup>th</sup> December of the Natural Heritage and Biodiversity

### Preliminary title

#### 1. Article 1. Purpose

This Law establishes the basic legal regime for the conservation, sustainable use, improvement and restoration of natural heritage and biodiversity, as part of the duty to conserve and the right to enjoy a suitable environment for the development of the person, established in Article 45.2 of the Constitution.

#### Article 2. Principles

#### 2. The principles that inspire this Law are:

- a. The maintenance of essential ecological processes and basic vital systems, supporting ecosystem services for human well-being.
- b. The conservation and restoration of biodiversity and geo-diversity through the conservation of natural habitats and wild fauna and flora. The measures adopted for this purpose shall take into account economic, social and cultural requirements, as well as regional and local particularities.
- c. The orderly use of resources to guarantee the sustainable use of natural heritage, in particular, of species and ecosystems, their conservation, restoration and improvement and avoidance of the net loss of biodiversity.
- d. The conservation and preservation of the variety, uniqueness and beauty of natural ecosystems, geological diversity and the landscape.
- e. The integration of the requirements of conservation, sustainable use, improvement and restoration of natural heritage and biodiversity in sectoral policies and, in particular, in decision-making in the political, economic and social sphere, as well as fair participation and equitable distribution of benefits derived from the use of genetic resources.
- f. The prevalence of environmental protection over territorial and urban planning and the basic assumptions of said prevalence.
- g. Precaution in interventions that may affect natural areas or wild species.
- h. The guarantee of information to citizens and awareness of the importance of biodiversity, as well as their participation in the design and implementation of public policies, including the development of general provisions, aimed at achieving the objectives of this law.
- i. The prevention of emerging problems as a consequence of climate change, its mitigation and adaptation, as well as the fight against its adverse effects.
- j. The contribution of the improvement processes in the sustainability of development associated with natural or semi-natural spaces.
- k. The participation of the inhabitants and owners of the territories included in protected areas in the activities consistent with the conservation of the natural heritage and biodiversity that take place in said areas and in the benefits derived from them.
- l. The maintenance and adaptation of the populations of all species of birds that normally live in the wild at a level that corresponds in particular to ecological, scientific and cultural requirements, taking into account economic and recreational requirements.

#### 3. Article 4. Social and public function of the natural heritage and biodiversity

2. The activities aimed at achieving the purposes of this law may be declared of public utility or social interest for all purposes and in particular to expropriators, regarding the assets or rights that may be affected.
3. The works necessary for the conservation and restoration of protected areas, for the conservation of endangered species, or for the conservation of habitats in danger of disappearance, especially those that aim to deal with catastrophic or exceptional phenomena, may be declared by the State as of General Interest, within the scope of its powers, following a report from the affected Autonomous Communities. Said declaration will be made by State law.
4. In the planning and management of protected areas and the conservation of habitats and species, voluntary agreements with owners and users of natural resources will be promoted, as well as the participation of civil society in the conservation of biodiversity.

**4. Article 56. List of Wild Species in Special Protection Regime**

1. The List of Wild Species under the Special Protection Regime is created, which will be implemented by regulation, after consulting the Autonomous Communities and which will include species, subspecies and populations that are worthy of particular attention and protection based on their scientific, ecological and/or cultural value, due to their uniqueness, rarity, or degree of the threat, as well as those that appear as protected in the annexes of the Directives and international conventions ratified by Spain.

**5. Article 80. Typification and classification of offenses**

Violations can be classified as minor, serious or very serious.

- An example of a very serious infraction would be, for example, the **use of chemical or biological substances** that alter the conditions of ecosystems, damaging their value. Even if no damage had been done, it would be a violation if it is considered that there was a risk of alteration of the ecosystem conditions.
- Serious infractions are considered such as altering the conditions of a protected natural space or its products by occupation, breakage, cutting, removal or other actions.
- The minor category includes offenses such as the disturbance, death, capture and intentional retention of bird species during the breeding and reproduction seasons or on the way to the breeding sites (migratory species).

**6. Article 81. Classification of sanctions**

1. The offenses typified in the previous article will be sanctioned with the following fines:
  - a. Minor offenses, with fines of 100 to 3,000 euros.
  - b. Serious offenses, with fines of 3,001 to 200,000 euros.
  - c. Very serious offenses, fines of 200,001 to 2,000,000 euros, without prejudice to the Autonomous Communities being able to increase the maximum amount