

Peru

Country: [Peru](#) [1]

EIA Law: National Environmental Impact Assessment Law, No. 27446 (2001) (as modified by Legislative Decree No. 1078 (2008); General Environmental Law, No. 28611 (2005)

Law Link: [Link](#) [2]

EIA Regulations: Regulations of Law No. 27446 - Supreme Decree No. 019-2009-MINAM (2009)

Regulations Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Numerous sectoral guidelines - energy, industrial hydrocarbons, fishing, transportation

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: Category I projects do not require an EIA. Category II projects are those with moderate impacts that can be mitigated with relatively simple measures. For these projects, a "semi-detailed" EIA is required (EIA-sd). Law No. 27446, Art. 4

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Law No. 27446, Arts. 2, 4, 5

Criteria for Screening: Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: In determining whether an EIA is required, the environmental authority must consider environmental criteria, including protection of public health, natural resources, protected areas, flora and fauna, biological diversity, and cultural/architectural resources. Law No. 27446, Art. 5

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "Environmental studies, schedules and other documents, must be signed by the owner and the professionals responsible for their preparation, also the environmental study must be signed by the representatives of the consultant in charge of processing. All documents submitted as part of the SEIA is an affidavit for all legal purposes, so that the owner, representatives of the consulting that makes it, and the other professionals that subscribe are responsible for the veracity of their content." Supreme Decree No 019-2009-MINAM, Art. 50

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: General regulations concerning contractor qualifications and registry are in Title V of Decreto Supremo No 019-2009-MINAM (Arts. 72-74). Where specific qualifications for EIA contractors are established, it is the responsibility of the ministry that oversees the particular sector. For example in the mining sector there is the "Register of Entities Authorized to conduct environmental impact studies" approved by Ministerial Resolution No. 580-98-EM/VMM.

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: Law No. 27446, Art. 8. The project proponent submits a draft terms of reference for the EIA with the licensing application.

Days for Decision Maker Review: 120 days

Automatic Approval: No

Automatic Approval Detail: See Ley N° 29060- Ley del Silencio Admirativo Negativ

Written Decision: Yes

Written Decision Detail: The authority must issue a written resolution approving or rejecting the project. Law No. 27446, Art. 54

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The resolution may contain conditions. Law No. 27446, Art. 12(1)

Expiry of Decision: 3 years

Expiry of Decision Detail: If the project proponent does not start activities within three years, it may request a 2 year extension.

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: The project proponent, according to the general regulations on EIA, does not provide a financial guarantee except to cover implementation of the closure plan However, the mining sector is the only area where the criteria for financial guarantees is addressed in any detail.

Interdisciplinary Team: Yes

Interdisciplinary Team Detail: Decreto Supremo No 019-2009-MINAM, Art. 72-74

Range of Alternatives: Yes

Range of Alternatives Detail: The basic terms of reference for a detailed EIA require "evaluation of various project alternatives. . . ." Decreto Supremo No 019-2009-MINAM, Annex IV, section 2(h).

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Gender equity

Mitigation: Yes

Mitigation Detail: An EIA must contain an environmental management plan/strategy. Decreto Supremo No. 019-2009-MINAM, Art. 28

Monitoring Plans: Yes

Monitoring Plans Detail: Monitoring is included in the environmental management plan. The plan must include an environmental monitoring system and assign specific responsibilities to ensure compliance with the measures contained in the Environmental Management Plan. Decreto Supremo No. 019-2009-MINAM, Annex III, Art. 6(b)

Public Notice of Draft EIA: Yes

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Final EIA Available: Yes

Final EIA Available Detail: In principle, the EIA is supposed to be easily accessible - but, in practice, it is difficult for communities near a proposed project to obtain information.

Final EIA Locations: Internet

Agency or ministry office

Local government office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "All documents included in the administrative record of environmental impact assessment are public, except for information expressly declared to be secret or confidential, in accordance with the provisions of the Amended Text of the Law on Transparency and Access to Information - Law No. 27806, approved by Supreme Decree No. 043-2003 PCM." Decreto Supremo No 019-2009-MINAM, Art. 66

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: Any administrative decision is an official document that is available to the public.

Public Scoping: Sometimes

Public Scoping Detail: Where appropriate, there is public outreach before the EIA is prepared. Resolución Ministerial N° 239-2010-MINAM

Public Review of TOR: No

Public Participation Opportunities: Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: Decreto Supremo No 019-2009-MINAM, Art. 68

Public Input at Meeting: Yes

Public Input at Meeting Detail: Decreto Supremo No 019-2009-MINAM, Art. 68

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Days for Public to Review Final EIA: 0

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: The process for submitting comments is determined by the specific sectoral regulations/guidelines.

Public Comments on Final EIA: No

Response to Public Comments: Sometimes

Response to Public Comments Detail: According to the General Law of the Environment, public comments must

be systematized and incorporated into the EIA and, if not, a reason provided. However, in practice this obligation is not fulfilled.

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: The competent authority may require the Executive Summary of the EIA to be translated into the predominant language of the locality where the project is to be proposed. When the predominant language in is such that a written translation of the Executive Summary is not possible, the Competent Authority may request the submission of a magnetic version, digital audio or other appropriate means for broadcast. Decreto Supremo No 019-2009-MINAM, Art. 67. See also Article 70, which expressly mentions ILO Convention 169.

Citizen Administrative Review: No

Citizen Judicial Review: No

Project Monitoring: Yes

Project Monitoring Detail: Peruvian law provides for environmental monitoring to ensure compliance with the obligations undertaken in the EIA. Moreover, in some sectors (e.g. oil) there are mechanisms for citizen participation in community monitoring of activities. This does not replace the power of environmental authorities, but compliments it.

Enforceability of EIA: No

Enforceability of Permit: No

Days for Public to Review Draft EIA: Variable

Modified: October 25th, 2019

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[1] <https://elaw.org/countries-and-regions/peru>

[2] <http://www.minam.gob.pe/wp-content/uploads/2013/10/Ley-y-reglamento-del-SEIA1.pdf>