

Colombia

Country: [Colombia](#) [1]

EIA Law: Law 99 of 1993 as amended by Law 1753 of 2015 (National Development Plan 2014-2018)

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

EIA Regulations: Decree 2041 of 2014

Regulations Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Decree 2041 of 2014, Art. 23.

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: Only projects, works and activities that are listed in articles 8 and 9 of Decree 2041 will be subject to environmental license procedure. Decree 2041, Art. 7

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

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Article 224 of the National Development Plan (Act 1450 of 2011) requires the national government to establish qualifications for persons or corporations that produce environmental impact studies, environmental assessments of alternatives, and environmental management plans. The qualification and registration system has not yet been implemented, however.

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: The terms of reference are general guidelines that the environmental authority establishes for the preparation and execution of the environmental studies. Law 1753, Art. 178; Decree 2041, Art. 14.

Days for Decision Maker Review: 90 days

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: Issuance of an environmental license is an administrative act; therefore, it must be in writing.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: Decree 2041 of 2014, Article 28(6)

Expiry of Decision: Indefinite

Expiry of Decision Detail: "The environmental permit is granted for the life of the project, work or activity and covering all phases of construction, installation, operation, maintenance, decommissioning, final restoration, abandonment and/or termination." Decree 2041 of 2014, Art. 6

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: Financial assurances are mandatory for all human activities that can cause damage to the environment and that require environmental license, according to the law and the regulations. In practice, however, the law is not implemented well. Law 491 of 1999, Art. 3.

Interdisciplinary Team: Yes

Interdisciplinary Team Detail: In practice, EIA documents are prepared by an interdisciplinary team though not specifically required by the EIA law and regulations.

Range of Alternatives: Yes

Range of Alternatives Detail: The Environmental Assessment of Alternatives (DAA) "aims to provide information to evaluate and compare the various options presented by the proponent, under which it is possible to develop a project, work or activity. Different options should take into account the geographical, the biotic, abiotic and socioeconomic, comparative analysis of the effects and risks inherent in the work or activity, as well as possible solutions and control and mitigation measures for each of the alternatives." Decree 2041 of 2014, Article 17.

No Action Alternative: No

No Action Alternative Detail: Evaluation of a no action alternative is not discussed in the law.

Type(s) of Impact Analysis: Direct environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: Decree 2041 of 2014, Art. 21

Monitoring Plans: Yes

Monitoring Plans Detail: Decree 2041 of 2014, Art. 21

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: Upon receiving an application for an environmental license and EIA, the environmental authority must immediately publish notice in the bulletin. Decree 2041 of 2014, Art. 25

Final EIA Available: Yes

Final EIA Locations: Internet

Agency or ministry office

Local government office

Other

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: No

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: Reference studies and supporting document may be requested based on the right of access to information that is enshrined in the Constitution. In addition Article 49 of Decree 2041 states that the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM), shall make available environmental information for decision making that has been generated as part of the studies and the monitoring and evaluation activities within the environmental licensing process. Environmental authorities should periodically provide information on the matter received or generated by themselves, according to the guidelines established by IDEAM.

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The notice is published in the environmental gazette, plus the official journal. In addition, the decision is disclosed to stakeholders, such as the project developer, the Regional Autonomous Corporations, local municipal or regional community leaders, parties involved, among others that have requested notification of events. Law 99, Art. 71.

Public Scoping: Yes

Public Scoping Detail: There is a scoping process, but it is limited because the authority is primarily responsible for determining the scope of the EIA. See Decree 2041 of 2014, Article 15

Public Review of TOR: Yes

Public Review of TOR Detail: Although the law does not clearly state that the public may have an opportunity to review the terms of reference, a favorable interpretation of Article 15 of Decree 2041 of 2014 indicates that it is possible.

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: Under Article 5 of Decree 330 of 2007, the environmental public hearing may be requested by " the Attorney General's Office or the Delegate for Agricultural and Environmental Affairs, the Ombudsman, the Minister of Environment, Housing and Territorial Development , the CEOs of the other environmental authorities, governors, mayors, or at least one hundred (100) persons or three (3) non-profit entities. " Decree 330 of 2007, Article 5. See also Article 72 of Act 99 of 1993.

Public Input at Meeting: Yes

Public Input at Meeting Detail: Members of the public may participate at the hearing with prior registration. Decree 330 of 2007, Article 12

Criteria to Hold Public Meeting: Members of the public must request a meeting and/or hearing

The proposed project exceeds a certain size and or cost

Days for Public to Review Final EIA: Not specified

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: Decree 330 of 2007

Response to Public Comments: Yes

Response to Public Comments Detail: Opinions, information and documents received at the public hearing are to be taken into account by the competent environmental authority when making decisions. Decree 330 of 2007, Article 2

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: Article 15 of Decree 2041 of 2014 specifically requires the prior consultation of indigenous and Afro-descendant people. Rules and case law have long recognized the right of participation of these communities and peoples.

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Ordinary administrative remedies are available. Decree 2041 of 2014, Article 25

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: The nullity action proceeds against the administrative acts by means of which a permit, authorization, concession or environmental license of an activity that affects or can affect the environment is issued, modified or canceled. Law 99, Art. 73. There are also popular actions and protection actions that are available to protect the environment. Law 9 of 1989, Art. 8.

Project Monitoring: Yes

Project Monitoring Detail: The project proponent must comply with the environmental management plan. Decree 2041 of 2014, Article 40. "Los proyectos, obras o actividades sujetos a licencia ambiental o plan de manejo ambiental, serán objeto de control y seguimiento por parte de las autoridades ambientales."

Enforceability of EIA: Yes

Enforceability of EIA Detail: Popular actions and protection actions that are available to protect the environment may be invoked to enforce the EIA. Law 9 of 1989, Art. 8.

Enforceability of Permit: Yes

Enforceability of Permit Detail: The nullity action proceeds against the administrative acts by means of which a permit, authorization, concession or environmental license of an activity that affects or can affect the environment is issued, modified or canceled. Law 99, Art. 73. There are also popular actions and protection actions that are available to protect the environment. Art. 8, Law 9 of 1989.

Days for Public to Review Draft EIA: Not specified

Modified: June 8th, 2020

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Links

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

[2] http://www.secretariasenado.gov.co/senado/basedoc/ley_0099_1993.html

[3] https://www.minambiente.gov.co/images/normativa/app/decretos/7b-decreto_2041_oct_2014.pdf