

Bolivia

Country: [Bolivia](#) [1]

EIA Law: Ley de Medio Ambiente (Act of the Environment) No. 1333 and Decreto Supremo No 24176, of December 8th 1995

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

EIA Regulations: Reglamento de Control y Prevención Ambiental (Regulations of Environmental Control and Protection)

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

Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: Yes

Assessment Detail: Category 3 and 4 projects do not need a full EIA. EIA Regulations, Articles 15, 17. Category 3 projects only require mitigation and monitoring plan (Category 4 projects are completely exempt). The project proponent applies to the Authority for a screening decision to determine if an EIA is required. EIA Regulations, Article 39.

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Environmental Act No. 1333, Article 27

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

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: During the Scoping process, project proponents must present a "Ficha Ambiental" (Environmental Factsheet) with information on the possible impacts of the project to the environment according to a specific methodology. If the authority considers that the project will cause significant environmental impact in one or more elements of the environment it will require the presentation of an EIA. The regulations list some projects that do not require a full EIA. See EIA Regulations, Articles 15, 16, 17. Article 16 offers a full list of factors to determine whether an EIA is required.

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

Who Prepares EIA Detail: EIA Regulations, Articles 38, 51

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: EIA Regulations, Articles 38

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: There is a registration system for EIA contractors. EIA Regulations, Article 36. The National Regulations for Registration of Environmental Consultancy establishes the qualifications and registration requirements for EIA contractors. See

<http://jcmendo.com/doc/legislaciones/17.Reglamento%20de%20Registro%20de%20Consultoria%20Ambiental.pdf>

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: The Terms of Reference will be established by the Competent Environmental Authority and shall define the purpose and scope of the environmental audit process. EIA Regulations Articles 111, 112.

Days for Decision Maker Review: 30 days

Automatic Approval: Yes

Automatic Approval Detail: If the Authority does not make a decision within the time limits specified in the law, the project is deemed to have been approved. The mitigation measures proposed in the EIA will work as if they had been approved and established by the Authority. EIA Regulations, Article 79

Written Decision: Yes

Written Decision Detail: The EIA Regulations do not explicitly specify whether the decisionmaker must issue a written decision (See Article 78). However, Article 83 of the EIA Regulations implies that the DIA (final decision) is a written decision.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The Declaration of Environmental Impact constitutes the environmental license for a project, work or activity and sets out the environmental conditions that must be met. EIA Regulations, Article 81

Expiry of Decision: 10 years (generally)

Expiry of Decision Detail: The 10 year validity period is established by the General Regulations on Environmental

Management, Article 61. If the project is suspended for more than one year, the project proponent must present an updated study of current environmental conditions to, if it is the case, update the proposed mitigation measures before re-starting the project. EIA Regulations, Article 90

Financial Assurances or Bond: No

Interdisciplinary Team: Yes

Interdisciplinary Team Detail: The environmental impact assessment report must include the information about the interdisciplinary team who participated in the preparation of the report. EIA Regulations, Article 34.

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA Regulations require project proponents to include a proposal of alternatives in the environmental impact assessment report. See EIA Regulations, Article 23(g). The Environmental Factsheet also requires to include a description of alternatives. EIA Regulations, Article 22.

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The project proponent must include a mitigation proposal and projected costs in the environmental impact assessment report. It shall also include a prevention and mitigation program in the report. EIA Regulations, Article 23 (g) (h) (i). See also EIA Regulations, Articles 29, 30 and 59.

Monitoring Plans: Yes

Monitoring Plans Detail: Each EIA must contain a monitoring plan, which must be included in the environmental permit. See EIA Regulations, Article 92

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: No

Public Notice of Final EIA Detail: There are no provisions in the law requiring the public to be notified; however, authorities may provide notice in practice.

Final EIA Available: Yes

Final EIA Available Detail: Final EIAs are available at the office in charge of carrying out the EIA process. EIA Regulations, Article 163

Final EIA Locations: Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: No

Availability of Reference Studies Detail: There is no reference in the EIA law or regulations guaranteeing public access to supporting data and studies.

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "A summary of the DIA [decision] will be posted on a bulletin and will be available in the prefectures in the relevant sector agencies and municipal governments." EIA Regulations, Article 88

Public Scoping: Yes

Public Scoping Detail: Interested persons may submit information and contact the relevant authorities during the screening process about the project categorization, or to provide information about the impacts such project will have on the environment. EIA Regulations Art. 161

Public Review of TOR: No

Public Participation Opportunities: Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: During the identification of impacts phase, the project developer shall carry out a public consultation to take into account comments, suggestions and recommendations from members of the public that may be affected by the implementation of the project, work or activity. EIA Regulations, Articles 162 & 165.

Public Input at Meeting: Yes

Public Input at Meeting Detail: EIA Regulations, Articles 162 and 165

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

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: EIA Regulations, Articles 162 and 164

Response to Public Comments: Yes

Response to Public Comments Detail: The authority must take into consideration comments that have been submitted by the public if it determines that the comments have a technical and legal basis. EIA Regulations, Article 164

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Any natural or legal person, public or private, who is considered to be affected by the categorization, rejection of the EIA by the Competent Environmental Authority, may appeal to the hierarchical superior. EIA Regulations, Art. 172.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Citizens can seek judicial review from administrative decisions in the Courts, in accordance to the Code of Civil Procedure.

Project Monitoring: Yes

Project Monitoring Detail: The Environmental Implementation and Monitoring Plan is the official instrument to verify compliance of the project with the measures included in the environmental permit. EIA Regulations. Art. 149. The environmental authorities may also conduct site visits to verify compliance with the DIA [approval decision]. See EIA Regulations, Arts. 95 and 153.

Enforceability of EIA: Yes

Enforceability of EIA Detail: Citizens may file complaints (denuncias) before the authority about the lack of compliance of the EIA. EIA Regulations, Article 166. However, any person or organization that files a complaint is liable for any injury or damages the complaint might cause. Article 85 of General Regulations for Environmental Management (<http://www.lexivox.org/norms/BO-RE-DS24176A.html>)

Enforceability of Permit: Yes

Enforceability of Permit Detail: Citizens may file complaints (denuncias) before the environmental authority about the lack of compliance of the EIA. EIA Regulations, Article 166. Any person or organization that files a complaint is liable for any injury or damages the complaint might cause. Article 85 of General Regulations for Environmental Management (<http://www.lexivox.org/norms/BO-RE-DS24176A.html>)

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Links

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

[2] <http://www.lexivox.org/norms/BO-L-1333.html>

[3] <http://www.lexivox.org/norms/BO-RE-DS24176B.html>