

Costa Rica

Country: [Costa Rica](#) [1]

EIA Law: Organic Act of the Environment 7554 (Ley Orgánica del Ambiente General No. 7554)

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

EIA Regulations: Regulations on Environmental Impact Assessment Procedures, Decree 31849-2004 (Reglamento General sobre los Procedimientos de Evaluación de Impacto Ambiental, Decreto 31849-2004).

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

EIA Guidelines or Other Guidance: Guidelines of Technical Tools for the Environmental Impact Assessment Process Parts I, II, IV (Decretos)

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: "B2" projects (moderate- low potential environmental impact) located inside an area with an approved zoning plan and "C" projects (low potential environmental impact) do not need to present a full EIA. The project developer submits a D2 form with information about the project and an Environmental Commitments Document. The D2 form includes a description of the proposed activity, including its potential to generate waste and emissions as well as other risks posed to the environment, and the proposed measures to mitigate such risks. EIA Regulations, Articles 9, 12 and 13

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: The developer presents the project for an initial assessment proposing the category of its project. The government reviews the project's category and approves the developer's proposal. EIA Regulations, Article 8

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

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: EIA Regulations, Article 7

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

Who Prepares EIA Detail: EIA Regulations, Article 112

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: The cost of environmental impact assessments shall be borne by the proponent. Law 7554, Art. 18. See also EIA Regulations, Art. 112.

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: There is a registration process for environmental consultants in SETENA. Such process requires contractors to present relevant documentation about EIA-related training. EIA Regulations, Article 72

Conflict of Interest: Yes

Conflict of Interest Detail: Individual consultants or consulting firms may be disqualified from the consultant registry when they incur any of the following: data forgery, demonstrating bias in the preparation of the EIA, unjustified refusal by the consultant to apply the required environmental guidelines included in the terms of reference requested by SETENA, among other reasons. EIA Regulations, Article 100

Terms of Reference: Yes

Terms of Reference Detail: EIA Regulations, Articles 24, 27 & 28

Days for Decision Maker Review: 10 weeks (and up to 5 months for large-scale projects)

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: The approval or denial of the activity, work or project shall be communicated by SETENA to the developer through an administrative, technical and legally motivated resolution. EIA Regulations, Art. 45

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: EIA Regulations, Article 45

Expiry of Decision: 2 years

Expiry of Decision Detail: EIA Regulations, Article 46

Financial Assurances or Bond: Yes

Financial Assurances Detail: Organic Law of the Environment, Article 21; See also EIA Regulations, Articles 86, 87, and 88.

Interdisciplinary Team: Yes

Interdisciplinary Team Detail: Environmental impact assessments must be carried out by an interdisciplinary team of professionals, registered and authorized by the National Environmental Technical Secretariat (SETENA). Law 7554, Art. 18. See also EIA Regulations, Art. 31.

Range of Alternatives: Yes

Range of Alternatives Detail: EIA Regulations Article 34, and Section 10.6 of Annex I EIA Guidelines Part IV.

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: The EIA must contain measures to be taken to mitigate potential environmental impacts. EIA Regulations, Art. 9.

Monitoring Plans: Yes

Monitoring Plans Detail: EIA Regulations, Articles 47, 48, 50 and 79. The developer must hire an independent contractor to verify fulfillment of the EIA.

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Agency or ministry office

Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: Environmental Impact Assessments received by SETENA will be published in a national newspaper and will indicate the availability of the reports for public consultation. To the extent possible, and as a complementary mechanism, SETENA will use other available and authorized means of communication to disclose the information to society in general. EIA Regulations, Article 41

Final EIA Available: Yes

Final EIA Available Detail: EIA Regulations, Article 41

Final EIA Locations: Agency or ministry office

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: The information contained in the record of an environmental impact assessment will be of a public nature and will be available for consultation by any person or organization. Law 7554, Art. 23.

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: Article 23 of Law 7554 can be interpreted to imply that the decision is made publicly available.

Public Scoping: Yes

Public Scoping Detail: Project proponent and EIA contractor must present the activity, work or project to the communities and local authorities, and conduct a survey to collect the inputs from the communities. EIA Regulations, Articles 33 and 34

Public Review of TOR: Yes

Public Review of TOR Detail: Individuals, whether public or private, shall have the right to be heard by the National Environmental Technical Secretariat, at any stage of the evaluation process and in the operational phase of the work or project. The observations of the interested parties will be included in the record and taken into consideration for the final report. Law 7554, Art. 22. See also EIA Regulations, Art. 42.

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: Public hearings may be convened ex officio by SETENA, or at the request of a natural or legal person, in cases deemed necessary. EIA Regulations, Art. 57.

Public Input at Meeting: Yes

Public Input at Meeting Detail: EIA Regulations Articles, 55 and 60

Criteria to Hold Public Meeting: Members of the public must request a meeting and/or hearing
Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: Variable

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: EIA Regulations, Articles 41 and 42

Response to Public Comments: Yes

Response to Public Comments Detail: Observations are part of the EIA file and they must be considered by decisionmaking authorities. The regulations do not provide guidance on how public comments and observations are to be formally addressed. EIA Regulations Article 42

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Citizens may submit complaints to an Administrative Environmental Tribunal for violations of environmental laws. Law 7554, Articles 107, 108 and 111. See also EIA Regulations, Articles 51 and 52.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Citizens can seek judicial review from administrative decisions in the Courts of First Instance. See Organic Law of the Judicial Branch, No. 7333.

Project Monitoring: Yes

Project Monitoring Detail: The proponent must submit environmental reports periodically to SETENA for review. SETENA must also conduct environmental inspections for monitoring and control purposes. EIA Regulations, Articles 47 and 48. The developer must hire an independent contractor to verify fulfillment of the EIA.

Enforceability of EIA: Yes

Enforceability of EIA Detail: Citizens may submit complaints to an Administrative Environmental Tribunal for violations of environmental laws. Law 7554, Articles 107, 108 and 111. See also EIA Regulations, Articles 51 and 52.

Enforceability of Permit: Yes

Enforceability of Permit Detail: Citizens may submit complaints to an Administrative Environmental Tribunal for violations of environmental laws. Law 7554, Articles 107, 108 and 111. See also EIA Regulations, Articles 51 and 52.

Days for Public to Review Draft EIA: Variable

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Links

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

[2] <https://www.setena.go.cr/documentos/Normativa/Ley-7554.pdf>

[3] <https://www.setena.go.cr/documentos/Normativa/Decreto-31849.pdf>

[4] <https://setena.go.cr/marco-juridico/>