

## Ecuador

**Country:** [Ecuador](#) [1]

**EIA Law:** Environmental Management Act, R.O. 418 of 10 September 2004

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

**EIA Regulations:** Decree No. No. 3516 establishing the Unified Text of Secondary Legislation of the Ministry of the Environment, 14 August 2012

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

**Projects Requiring EIA:** Government projects  
Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** If the project is not included in the list of projects that require an environmental impact assessment, the project proponent will present an environmental factsheet that will be analyzed by the competent authority. If approved, the project proponent is authorized to carry out the project without the need to present an environmental impact assessment report but subject to compliance with environmental regulations. Decree No. 3516, Libro VI, Cap. III, Art. 22.

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** Decree No. 3516, Libro VI, Cap. III, Art. 15.

**Criteria for Screening:** List or appendix of project or activity types  
Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** Decree No. 3516, Libro VI, Cap. III, Art. 15.

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

**Who Prepares EIA Detail:** The project proponent is responsible for preparing an EIA that complies with legal requirements. Decree No. 3516, Libro VI, Cap. III, Art. 24.

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** The project proponent is responsible for preparing an EIA that complies with legal requirements. Decree No. 3516, Libro VI, Cap. III, Art. 24.

**EIA Contractor Qualifications:** Yes

**EIA Contractor Qualification Detail:** The Ministerial Agreement No. 178 establishes the minimum qualifications and registration requirements for EIA contractors. See Ministerial Agreement No. 178, 14 October 2010, <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2014/10/c0d7a98aab3adaac9adf79919c4eac2a4ee3e237.pdf>. The Ministry of Environment keeps a list of authorized environmental consultants available at <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2015/02/Publicaci%C3%B3n-COMPA%C3%91IAS-CONSULTORAS-Enero-2015.pdf>

**Conflict of Interest:** No

**Terms of Reference:** Yes

**Terms of Reference Detail:** Terms of Reference are prepared by the project proponent and submitted to the competent authority for approval. Decree No. 3516, Libro VI, Cap. III, Art. 23.

**Days for Decision Maker Review:** 30 days

**Automatic Approval:** No

**Written Decision:** Yes

**Written Decision Detail:** Decree No. 3516, Libro VI, Cap. III, Art. 25(c).

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** Decree No. 3516, Libro VI, Cap. III, Art. 25(a).

**Expiry of Decision:** Not specified

**Financial Assurances or Bond:** Yes

**Financial Assurances Detail:** According to the Ministerial Agreement No. 100, project proponents are required to provide an environmental bond to cover environmental damages in order to obtain an environmental permit. See Ministerial Agreement No. 100 from the Ministry of Environment, 14 June, 2010, <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2014/10/2178eee9c43cea2cddb205581125417ac7e81d6b.pdf>

**Interdisciplinary Team:** Yes

**Interdisciplinary Team Detail:** Decree No. 3516, Libro VI, Cap. III, Art. 17.

**Range of Alternatives:** Yes

**Range of Alternatives Detail:** The EIA must include an analysis of alternatives for the proposed activity or project. Decree No. 3516, Libro VI, Cap. III, Art. 17(d)

**No Action Alternative:** No

**No Action Alternative Detail:** Although a range of alternatives must be included, the EIA Decree does not specify that the EIA must include a no action alternative.

**Type(s) of Impact Analysis:** Direct environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

**Mitigation:** Yes

**Mitigation Detail:** The project proponent must submit an Environmental Management Plan containing measures to mitigate, control and compensate identified impacts, as part of the environmental impact assessment report.

Decree No. 3516, Libro VI, Cap. III, Art. 17(f).

**Monitoring Plans:** Yes

**Monitoring Plans Detail:** Decree No. 3516, Libro VI, Cap. III, Arts. 17, 19.

**Public Notice of Draft EIA:** No

**Draft EIA Available:** No

**Draft EIA Available Detail:** The EIA process in Ecuador does not include a draft EIA step.

**Draft EIA Locations:** Not available

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** The dissemination of the environmental impact assessment report will be carried out through one or several mass communication mechanisms in the direct and indirect area of influence of the project: radio, press, television, and other information and communication mechanisms. Ministerial Agreement No. 066, Art. 11 (available at <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2013/07/Acuerdo-066-Facilitadores.pdf>).

**Final EIA Available:** Yes

**Final EIA Available Detail:** The law establishes Public Information Centers where the environmental impact assessment reports, as well as the Environmental Management Plan of the project and didactic and visual documentation will be made available to the public in a easily accessible location. The Centers shall have personnel who are familiar with the project and who may be able to explain it to the community. Decree No. 3516, Libro VI, Cap. III, Art. 20 (b)(3). EIA reports may also be published in websites, newspapers, local government. Decree No. 3516, Libro VI, Cap. III, Art. 20 (b)(5); Decree No. 1040, Art. 18 (available at <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2013/04/1.-DECRETO-1040-04-2008.pdf>).

**Final EIA Locations:** Internet

Agency or ministry office

Other

**Fee to View EIA Documents:** No

**Fee to Obtain EIA Documents:** Yes

**Availability of Reference Studies:** Yes

**Availability of Reference Studies Detail:** The national environmental authority shall keep a national registry of environmental records and licenses issued by the environmental enforcement authorities. The registry shall be public and any person may, at their cost, access the information contained in any of the technical studies that served as the basis for the issuance of an environmental license. Decree No. 3516, Libro VI, Cap. III, Art. 29.

**Public Notice of Final Decision:** Yes

**Public Notice of Final Decision Detail:** The national environmental authority shall keep a national and public registry of environmental records and licenses issued by the environmental enforcement authorities. Decree No. 3516, Libro VI, Cap. III, Art. 29.

**Public Scoping:** Yes

**Public Scoping Detail:** The project proponent must consult with the public prior to preparing the terms of reference. Decree No. 3516, Libro VI, Cap. III, Art. 16.

**Public Review of TOR:** No

**Public Review of TOR Detail:** Although a terms of reference is prepared and must include observations from community members, it does not appear that the public is permitted to review the terms of reference before it is approved. See Decree No. 3516, Libro VI, Cap. III, Art. 16.

**Public Participation Opportunities:** Scoping

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Yes

**Public Meetings Detail:** A public hearing may be held to present the EIA report and the Environmental Management Plan to the community to gather their inputs. Decree No. 3516, Libro VI, Cap. III, Art. 20 (b) (4). See

also Decree No. 3516, Libro VI, Cap. III, Art. 8 (a). The law does not explicitly state that public hearings are automatically required but Art. 10 of Decree No. 1040 establishes that social participation mechanisms (including public hearings) are compulsory for the responsible environmental authority, in coordination with the project proponent, prior to the approval of the environmental impact assessment report. (Decree 1040 available at <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2013/04/1.-DECRETO-1040-04-2008.pdf>).

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** A public hearing may be held to present the EIA report and the Environmental Management Plan to the community to gather their inputs. Decree No. 3516, Libro VI, Cap. III, Art. 20 (b) (4). See also Decree No. 3516, Libro VI, Cap. III, Art. 8 (a).

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

**Days for Public to Review Final EIA:** 30 days

**Public Comments on Draft EIA:** No

**Public Comments on Final EIA:** Yes

**Public Comments on Final EIA Detail:** The mechanisms to collect community observations on the EIA report include: minutes of informative sessions and public hearings (notarized if deemed necessary), traditional mail (letter, fax, etc.), email, and forms to be deposited in mailboxes in participatory workshops, informative sessions and public hearings. Decree No. 3516, Libro VI, Cap. III, Art. 20 (c).

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** The EIA report assessment is comprised by the review of the report from both the public and the competent environmental authority. Such review will prepare the technical grounds to make a final decision. Decree No. 3516, Libro VI, Cap. III, Art. 25.

**Facilitation of Public Participation:** Yes

**Facilitation of Public Participation Detail:** Decree No. 1040, Art. 26 (available at <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2013/04/1.-DECRETO-1040-04-2008.pdf>).

**Citizen Administrative Review:** Yes

**Citizen Administrative Review Detail:** Upon existence of violations to the environmental protection rules, any natural person, legal entity or human group may request the hierarchical superior to impose administrative sanctions and/or to require the regularization of authorizations, permits, studies and evaluations. See EMA, Articles 44-46.

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** Natural persons, legal entities or human groups, linked by a common interest and directly affected by a harmful action or omission, may bring a loss and damages action related to environmental and health degradation before the competent judge. See EM Act, Art. 43. In order to protect individual or collective environmental rights, citizens may also pursue a protection (constitutional) action against environmental law violations. See EM Act, Art. 41.

**Project Monitoring:** Yes

**Project Monitoring Detail:** Decree No. 3516, Libro VI, Cap. III, Art. 19.

**Enforceability of EIA:** Yes

**Enforceability of EIA Detail:** Natural persons, legal entities or human groups, linked by a common interest and directly affected by a harmful action or omission, may bring a loss and damages action related to environmental and health degradation before the competent judge. See EM Act, Art. 43. In order to protect individual or collective environmental rights, citizens may also pursue a protection (constitutional) action against environmental law violations. See EM Act, Art. 41.

**Enforceability of Permit:** Yes

**Enforceability of Permit Detail:** Natural persons, legal entities or human groups, linked by a common interest and directly affected by a harmful action or omission, may bring a loss and damages action related to environmental and health degradation before the competent judge. See EM Act, Art. 43. In order to protect individual or collective environmental rights, citizens may also pursue a protection (constitutional) action against environmental law violations. See EM Act, Art. 41.

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**Source URL:** <https://elaw.org/ecuador>

## Links

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

[2] <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2012/09/LEY-DE-GESTION-AMBIENTAL.pdf>

[3] <http://www.ambiente.gob.ec/wp-content/uploads/downloads/2015/06/Texto-Unificado-de-Legislacion-Secundaria-del-Ministerio-del-Ambiente.pdf>

