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### **The Agency for Environmental Assessment and Enforcement modifies the regulation for environmental control actions during the National Health State of Emergency declared due to the COVID-19 outbreak**

**November 12, 2020**

On November 12<sup>th</sup>, 2020, the Agency for Environmental Assessment and Enforcement (*Organismo de Evaluación y Fiscalización Ambiental – OEFA*) published resolution N° 18-2020-OEFA/CD ("Resolution 18"), which modifies the regulation for environmental control actions and the monitoring of environmental control authorities during the current health emergency (the "Regulation"). The Regulation sets forth the criteria to regulate the agency's environmental control faculties

The main provisions of Resolution 18, are:

(i) Suspension of terms related to ongoing essential activities

- Compliance with obligations related to the submission of reports, monitoring and any other information of an environmental or social nature, which must be presented to OEFA and involves field work, is suspended from March 16<sup>th</sup>, 2020 until: (i) OEFA verifies the registration of the Supervised Entity's Surveillance, Prevention and Control Plan in the SICCOVID-19 Platform, or (ii) when OEFA notices that the Supervised Entity is carrying out such activities without having the SICCOVID-19 Registry.

(ii) Administrative proceedings deadlines

- Resolution 18 confirms that the deadlines for administrative proceedings and the exercise of the environmental control functions by OEFA, have been suspended from March 16<sup>th</sup>, 2020 until the activity subject to supervision restarts.
- Resolution 18 includes a new provision, indicating that, with respect to: (i) investment projects that have ceased or whose execution has been abandoned before March 16<sup>th</sup>, 2020 and (ii) those related to ongoing essential activities, the deadlines for the administrative proceedings and for the enforcement of environmental control by OEFA will resume seven (7) days after Resolution 18 is published (meaning, on November 24<sup>th</sup>, 2020).

- Finally, Resolution 18 confirms that the deadlines for the administrative proceedings, where OEFA is in charge, are resumed as of the date of the publication of the Regulation (June 7<sup>th</sup>, 2020), when:
  - a) OEFA notices that the activities are being carried out without the registration of the Surveillance Plan in the SICOVIED-19 platform.
  - b) The Supervised Entity expresses its consent in writing to OEFA, for OEFA to continue with the administrative proceeding or environmental enforcement activity.
  - c) The final evaluation report, supervision report or administrative resolution does not hold the Supervised Entity responsible.
  - d) Supervised Entities carry out essential activities related to the collection and cleaning of solid waste of which the municipalities are in charge, or to waste management, either at solid waste treatment infrastructures or in areas degraded by solid waste that have been set for recovery or reconversion.

Note: This article is intended to be a general summary of Resolution 18. However, it does not constitute legal advice. You should consult with counsel to determine applicable legal requirements in a specific situation.

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