



MANUAL OF ENVIRONMENTAL LICENSING IN COLOMBIA

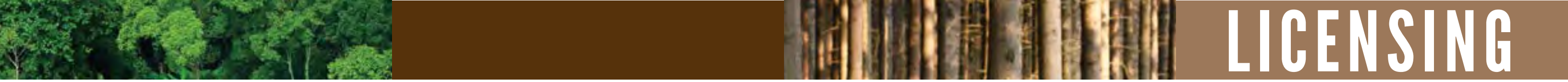
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MANUAL OF ENVIRONMENTAL LICENSING IN COLOMBIA

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We strongly advise that the investors and, in general, the readers who make use of the manual, consult their own legal advisors and professional consultants regarding investment in Colombia.



1 DID YOU KNOW THAT...

- Colombia is considered 1 of the 12 megadiverse countries of the world since with a land area of 0.7% of the surface of the planet, holds around 10% of the fauna and flora of the world¹.
- Colombia is the first country of the world in diversity of birds and orchids².
- Colombia is the second country of the world in diversity of plants, amphibians, and butterflies³.
- Colombia is the third country of the world in diversity of reptiles⁴.
- Colombia is the fourth country of the world in diversity of mammals⁵.
- There are 197 registered species of migratory birds that visit the country⁶.
- Colombia has 16.4% of the orchids of the planet⁷.
- In Colombia there are around 2,500 species of mollusks, 2,000 of fish (176 elasmobranchia), and 35 mammals that inhabit marine or estuarine water⁸.
- Colombia has a continental area of 1,141,748 km² and territorial sea of 928,660 km².
- The world's largest "páramo" is protected in the Sumapaz National Natural Park.
- The areas protected in the System of National Natural Parks of Colombia preserve 75%⁹ of the lakes and marshes and 62%¹⁰ of the aquifers.
- Colombia has the greatest number of ecosystems represented in one same country¹¹.

According to the Political Constitution of Colombia, it is the duty of the State and individuals to protect the natural and cultural wealth of the nation.

In Colombia, the environment is part of the public patrimony of the nation. The legal protection of the environment started with the Stockholm Declaration of 1972, by means of Act 23 of 1973, and Decree 2811 of 1974, which set forth the purpose and environmental identification of public use. For this reason, the State is the administrator of the environment and exerts this public function through institutions created for this purpose. The administration of these resources allow the State to establish the planning of the management, and the weighted and rational use thereof, in order to assure its sustainable use, conservation, restoration, compensation, or replacement and, in general, exercise acts of prevention and control of all factors of environmental deterioration, impose legal sanctions, and demand the reparation of damages caused, according to constitutional, legal, and regulatory valid laws.

Within the Colombian National Environmental System (Sistema Nacional Ambiental Colombiano -SINA) existing since Act 99 of 1993 as a set of policies, regulations, and institutions allowing the carrying out of environmental general principles provided in our regulations, some legal mechanisms for the protection of environmental public goods are highlighted. Consequently, it is indispensable to consult the environmental conditions of the territory to be intervened from the early stages of the planning of projects of development that may affect the environment.



2 WHAT IS AN ENVIRONMENTAL LICENSE?

An environmental license ensures that human and economic activities meet ecologic requirements. In this sense, it constitutes a key mechanism to promote sustainable development.

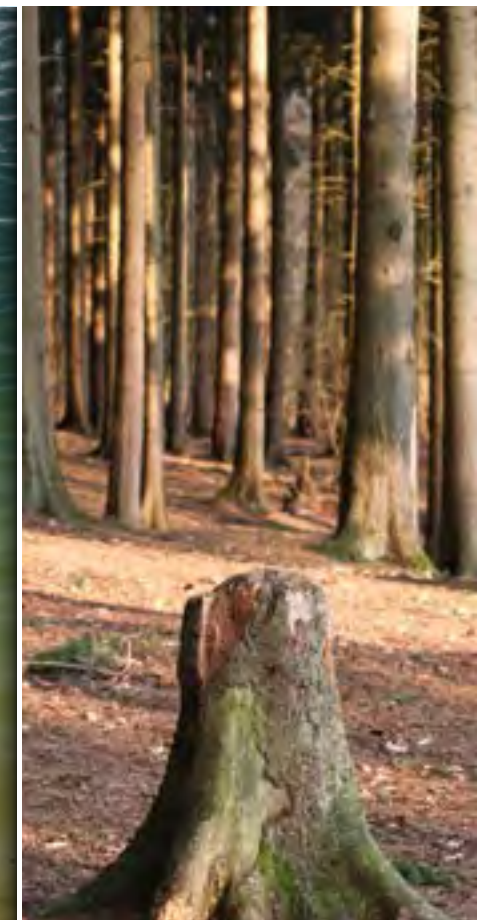
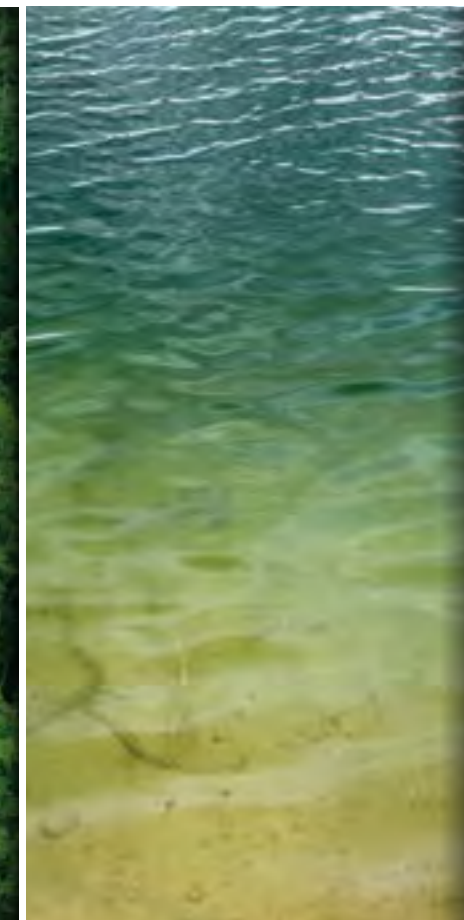
It is a coordination, planning, prevention, and management tool by which the Colombian State complies with several constitutional mandates, as is the protection of natural resources and the environment, the conservation of areas of special ecologic importance, the prevention and control to environmental deterioration, and the ecologic function of property. It is also both a technical and participative mechanism involving communities.

The environmental license is the authorization that allows running projects, works, or activities that may produce serious deterioration of renewable natural resources or the environment, or that may introduce considerable or notorious modifications to the landscape¹². An

environmental license is only needed in the cases required by law or national regulations.

The environmental license must be obtained prior to the initiation of the project, work, or activity. It describes the terms and obligations to be complied in the project, work, or activity regarding the prevention, mitigation, correction, compensation, and management of environmental effects¹³.

In order to ensure the comprehensive and coordinated environmental management of projects, works, or activities subject to environmental license, it includes the permits, concessions, and authorizations for the use and exploitation of renewable natural resources (for example permits for forest harvesting, water concessions, permits for air emissions, etc.) provided that they are requested by the applicant¹⁴.



1. National Policy for Biodiversity (Política Nacional de Biodiversidad) 2009-2019 (in revision), p. 30. - 2. IUCN. 2009. IUCN Red List of Threatened Species. Version 2009.2. - 3. M. Gonzalo Andrade C. Associate Professor, Universidad Nacional de Colombia. <http://mgandradec.googlepages.com/numerodesp2>. - 4. Chaves, M.E. y Santamaría, M. (eds). 2006. National Report on the Advancement of Knowledge and Information of Biodiversity (Informe Nacional sobre el Avance en el Conocimiento y la Información de la Biodiversidad). 1998-2004. Instituto de Investigación en Recursos Biológicos Alexander von Humboldt, Bogotá D.C. Colombia. 2 Volumes. - 5. Ibid. - 6. Op. Cit. - 7. Sarmiento, J. 2007. The Orchid Family in Colombia (La Familia Orchidaceae en Colombia). Actual Biol (Supl. 1): 84. - 8. National Policy for Biodiversity (Política Nacional de Biodiversidad) 2009-2019 (in revision), p. 33. - 9. National Natural Parks of Colombia (Parques Nacionales Naturales de Colombia). As seen in: <http://www.parquesnacionales.gov.co/PNN/portel/libreria/php/decide.php?patron=01.3401>. - 10. Ibid. - 11. Ideam, Igac, Humboldt, Invenmar, Sinchi, IIAF. 2007 National Map of Ecosystems.



3 WHAT ARE THE AUTHORITIES IN CHARGE OF APPROVING ENVIRONMENTAL LICENSES?

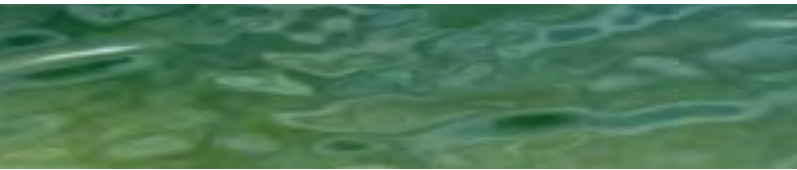
Environmental licenses must be obtained before any of the following entities, depending the nature and scale of the project:

- National Authority of Environmental Licenses (Autoridad Nacional de Licencias Ambientales - ANLA).
- Regional environmental authorities: Regional Autonomous Corporations (Corporaciones Autónomas Regionales) and the Sustainable Development Corporations (Corporaciones de Desarrollo Sostenible); Large Urban Centers (Grandes Centros Urbanos¹⁵); Environmental Authorities of the Districts of Cartagena, Santa Marta, and Barranquilla.



15. Urban centers with more than one million inhabitants in the urban perimeter.

ACRONYM	DENOMINATION	SEAT
CAM	Corporación Autónoma Regional del Alto Magdalena	Neiva
CAR	Corporación Autónoma Regional de Cundinamarca	Bogotá D. C.
CARDER	Corporación Autónoma Regional de Risaralda	Pereira
CARDIQUE	Corporación Autónoma Regional del Dique	Cartagena de Indias
CARSUCRE	Corporación Autónoma Regional de Sucre	Sincelejo
CAS	Corporación Autónoma Regional de Santander	San Gil
CDA	Corporación para el Desarrollo Sostenible del Norte y Oriente Amazónico	Puerto Inírida
CDMB	Corporación Autónoma Regional de Defensa de la Meseta de Bucaramanga	Bucaramanga
CODECHOCÓ	Corporación para el Desarrollo Sostenible del Chocó	Quibdó
CORALINA	Corporación para el Desarrollo Sostenible del Archipiélago de San Andrés, Providencia y Santa Catalina	San Andrés Isla
CORANTIOQUIA	Corporación Autónoma Regional del Centro de Antioquia	Medellín
CORMACARENA	Corporación para el Desarrollo Sostenible de la Macarena	Villavicencio
DAMAB	Departamento Técnico Administrativo del Medio Ambiente Barranquilla	Barranquilla
CORNARE	Corporación Autónoma Regional de las Cuencas de los Ríos Negro y Nare	Rionegro
CORPOAMAZONÍA	Corporación para el Desarrollo Sostenible del Sur de la Amazonía	Mocoa
CORPOBOYACÁ	Corporación Autónoma Regional de Boyacá	Tunja
CORPOCALDAS	Corporación Autónoma Regional de Caldas	Manizales
CORPOCESAR	Corporación Autónoma Regional del Cesar	Valledupar
CORPOCHIVOR	Corporación Autónoma Regional de Chivor	Garagoa
CORPOGUAJIRA	Corporación Autónoma Regional de La Guajira	Riohacha
CORPOGUAVIO	Corporación Autónoma Regional del Guavio	Gachalá
CORPAMAG	Corporación Autónoma Regional del Magdalena	Santa Marta, Ciénaga, Pivijay, Plato, Santa Ana
CORPOMOJANA	Corporación para el Desarrollo Sostenible de la Mojana y el San Jorge	San Marcos
CORPONARIÑO	Corporación Autónoma Regional de Nariño	Pasto
CORPONOR	Corporación Autónoma Regional de Norte de Santander	Cúcuta
CORPORINOQUÍA	Corporación Autónoma Regional de la Orinoquía	Yopal
CORPOURABÁ	Corporación para el Desarrollo Sostenible del Urabá	Apartadó, Medellín
CORTOLIMA	Corporación Autónoma Regional del Tolima	Ibagué, Armero, Guayabal, Chaparral, Melgar, Purificación
CRA	Corporación Autónoma Regional del Atlántico	Barranquilla
CRC	Corporación Autónoma Regional del Cauca	Popayán
CRQ	Corporación Autónoma Regional del Quindío	Armenia
CSB	Corporación Autónoma Regional del Sur de Bolívar	Magangué
CVC	Corporación Autónoma Regional del Valle del Cauca	Santiago de Cali
CVS	Corporación Autónoma Regional de los Valles del Sinú y San Jorge	Montería, Córdoba
DAGMA	Departamento de Gestión Ambiental	Santiago de Cali
SDA	Secretaría Distrital de Ambiente	Bogotá D. C.
AMVA	Área Metropolitana del Valle de Aburrá	Medellín
EPA	Establecimiento Público Ambiental de Cartagena	Cartagena
DADMA	Departamento Administrativo Distrital del Medio Ambiente	Santa Marta



4 WHEN SHOULD I APPLY FOR AN ENVIRONMENTAL LICENSE?

Projects, works, and activities that need an environmental license are only those defined in the national laws and decrees. Environmental authorities cannot require environmental licenses or plans for the environmental management of projects other than the following¹⁶:

SECTOR	ANLA	REGIONAL ENVIRONMENTAL AUTHORITIES
Hydrocarbons	<ol style="list-style-type: none"> 1. Seismic exploration activities that require road construction and seismic exploration offshore in less than 200m deep. 2. Projects for exploratory perforation out of existing fields. 3. The exploitation of hydrocarbons. 4. Transportation and conduction of liquid and gaseous hydrocarbons via pipelines of more than 6 inches of diameter. 5. The infrastructure of storing associated with the transportation of hydrocarbons and its derivate products via pipelines. 6. The construction and operation of refineries and petrochemical developments part of a refining project. 	N/A
Mining	<ol style="list-style-type: none"> 1. Coal: When exploitation is greater than 800,000 tons per year. 2. Construction materials: When production is greater than 600,000 tons per year (clay) or greater to 250.000 m³ per year (no metallic minerals). 3. Metallic minerals and precious stones: When removal is greater than 2,000,000 tons per year of useful and sterile material. 4. Other minerals: When exploitation is greater or equal to 1,000,000 tons per year. 	<ol style="list-style-type: none"> 1. Coal: When exploitations less than 800,000 tons per year. 2. Construction materials: When the production is less than 600,000 tons per year (clay) or less than 250.000 m³ per year (no metallic minerals). 3. Metallic minerals and precious stones: When removal is less than 2,000,000 tons per year of useful and sterile material. 4. Other minerals: When exploitation is less than 1,000,000 tons per year.
Construction of dams, reservoirs, impoundments	<ol style="list-style-type: none"> 1. Capacity greater than 200 million cubic meters of water. 	<ol style="list-style-type: none"> 1. Capacity less than 200 million cubic meters of water.
Energy	<ol style="list-style-type: none"> 1. The construction and operation of power plants with capacity greater than 100 MW. 2. Projects of exploration and use of potentially contaminating alternative energy sources with capacity greater than 3 MW. 3. The laying of lines with tensions greater than 220 KV. 4. The generation of nuclear power. 	<ol style="list-style-type: none"> 1. The construction and operation of power plants with capacity less than 100 MW. 2. The laying of lines with tensions less than 220 KV. 3. The construction and operation of hydroelectric plants with capacity less than 100 MW except small hydroelectric plants operating in not connected zones with capacity under 10 MW.

16. Projects that need environmental license are defined in articles 8 and 9 of Decree 2820 of 2010. Plan of Environmental Management as substitutive tool of the environmental license, can only be set forth based on the transmission regime of a regulatory Decree of Act 99 of 1993, regarding environmental licenses.

Continued table next page.

SECTOR	ANLA	REGIONAL ENVIRONMENTAL AUTHORITIES
Maritime and port	<ol style="list-style-type: none"> 1. The construction and operation of deep-water ports. 2. Dredges for the deepening of channels for deep-water ports with volume greater than 1,000,000 m³ per year. 3. The stabilization of beaches and coastal inlets. 	<ol style="list-style-type: none"> 1. The construction and operation of not deep-water ports. 2. Dredges for the deepening of channels for not deep-water ports. 3. Private works for the construction of hard works and regeneration of dunes and beaches. 4. The performance of private works in the national river network.
Execution of public works	<ol style="list-style-type: none"> 1. Projects in the primary road network: <ul style="list-style-type: none"> - The construction of roads including bridges. - The construction of second lanes. - The construction of tunnels and accesses. 2. Projects in the national river network: <ul style="list-style-type: none"> - The construction and operation of public ports. - Rectification of channels. - The construction of spurs. - The deviation of channels of the river network. - Dredgings for the deepening of navigable channels and in river deltas areas. 3. The construction of public or private railways. 4. The construction of hard maritime works. 5. The construction and operation of international airports. 	<ol style="list-style-type: none"> 1. Projects in the secondary and tertiary road network: <ul style="list-style-type: none"> - The construction of roads including bridges. - The construction of new lanes. - The construction of tunnels and accesses. 2. The construction and operation of national airports.
Construction of irrigation and drainage	<ol style="list-style-type: none"> 1. The construction and operation for areas greater than 20,000 hectares. 	<ol style="list-style-type: none"> 1. The construction and operation for areas between 5,000 and 20,000 hectares.
Production and importation of pesticides	<ol style="list-style-type: none"> 1. For agricultural use (except those of biological origin). 2. For veterinary use (except those of topic use). 3. For use on public health. 4. For industrial use. 5. Of domestic use (except those individually packed). 	N/A
Substances subject to control under specific treaties	<ol style="list-style-type: none"> 1. Import and production of substances subject to control under specific treaties. 	N/A
Projects to be performed inside public protected areas	Projects performed in national protected public areas, provided the use is permitted according to the correspondent management category and that imply the construction of infrastructure in the zones of sustainable use and general public use, or if it is an agro-industrial project, except housing units, provided that its development is compatible with the uses defined.	Projects performed in regional protected public areas, provided the use is permitted according to the correspondent management category and that imply the construction of infrastructure in the zones of sustainable use and general public use, or if it is an agro-industrial project, except housing units, provided that its development is compatible with the uses defined.

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SECTOR	ANLA	REGIONAL ENVIRONMENTAL AUTHORITIES
Projects that imply transfers of water currents	1. The transfer from one basin to another with current flows greater than 2 m ³ per second, in periods of low flow.	1. The transfer from one basin to another with current flows under 2 m ³ per second, in periods of low flow.
Construction and operation of facilities for the management of residues	N/A	<ol style="list-style-type: none"> Sanitary landfills. Systems for the treatment of waste waters provided for populations greater than 200,000 inhabitants. Plants for the use and valorization of biodegradable organic solid residues of more than 20,000 tons per year. Storing, use, recuperation and/or final disposition of hazardous residues (including residues of electronic equipment and of batteries, or accumulators and safety landfills for hospital waste).
Projects in National Natural Parks	Projects that affect National Natural Parks: <ul style="list-style-type: none"> - Those performed inside of areas of the park within the framework of the activities permitted. - Those performed in the buffering zones included in the list of projects requiring environmental license and within the framework of activities permitted in those zones. 	N/A
Irrigation and drainage works	Irrigation and drainage works that require environmental license and are executed by Regional Autonomous Corporations.	N/A
Introduction of foreign species	Introduction of foreign species to the country.	N/A
Steel, cement, and concrete producers	N/A	Steel, cement, and concrete producers whose production of concrete is greater than 10,000 m ³ per month.
Production of alcohols, acids, and chemical substances	N/A	Manufacturing industry for alcohols, inorganic acids, and chemical substances of mineral origin.
Dangerous substances	N/A	Storage of dangerous substances except hydrocarbons.
Commercial hunting and animal breeding	N/A	Commercial hunting and animal breeding.



5 WHAT IF THE PROJECT DOES NOT REQUIRE AN ENVIRONMENTAL LICENSE?

Although the project would not require an environmental license, it is possible that it may need another type of environmental permits. The use or exploitation of renewable natural resources is subject to permits, authorizations, or concessions (for example, permits for forest harvesting, water concessions, permits for air emissions, etc.) which must usually

be requested before the corresponding regional environmental authority¹⁷.

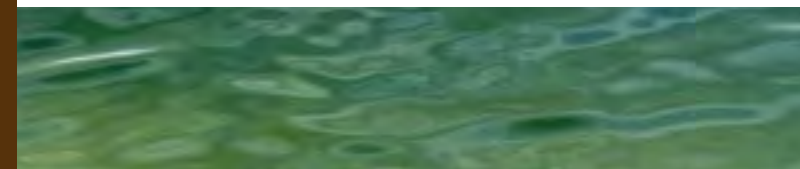
Regional environmental authorities may not grant permits, concessions, or authorizations when the ANLA is competent for issuing the environmental license.



6 ENVIRONMENTAL LICENSE AND OTHER REGULATORY REQUIREMENTS

There are activities and works that require permits, licenses, and agreements granted by other government entities, such as port and mining projects. In these cases, it is necessary to obtain the environmental license in order to exert the rights under such permits, licenses, and contracts¹⁸.

In the case of the construction of ports, the environmental license is a requirement to obtain the concession.



7 WHAT IS A GLOBAL ENVIRONMENTAL LICENSE?

Global environmental licenses are licenses specifically designed for mining and hydrocarbons exploitation activities, which cover the entire area of exploitation required by these projects¹⁹.

evaluated by the environmental authority; therefore, the company may start the works and activities once the management plan is submitted. Works and activities are subject to the control and follow-up by environmental authorities.

This type of licenses must include a specific Environmental Management Plan for each one of its defined activities and works, provided that it respects the environmental zoning and restrictions defined in the license. Such an Environmental Management Plan is not previously

Global environmental license for mining exploitation comprises the construction, installation, exploitation, benefit, and internal transportation of relevant minerals or materials.

17. Articles 50 and following of law Decree 2811 of 1974.
 18. Article 5 of Decree 2820 of 2010.
 19. Article 4 of Decree 2820 of 2010.



8 WHAT ARE THE TYPES OF ENVIRONMENTAL STUDIES THAT MAY BE REQUIRED IN THE PROCESS TO OBTAIN AN ENVIRONMENTAL LICENSE?

In order to define the environmental feasibility of the project, authorities rely on two types of environmental studies: the Environmental Diagnosis of Alternatives (Diagnóstico Ambiental de Alternativas-DAA) and the Environmental Impact Study (Estudio de Impacto Ambiental-EIA)²⁰.

- **The Environmental Diagnosis of Alternatives (Diagnóstico Ambiental de Alternativas-DAA)** evaluates and compares several options for the performance of a project from the environmental point of view. The purpose is to provide the elements required to select an alternative that optimizes and rationalizes the use of resources, and to avoid or minimize risks and negative impacts.

This study must contain information on the following aspects²¹:

- » Purpose, scope, and description of the project, work, or activity.
- » Alternatives for the location of the project with the environmental and socioeconomic characteristics of the relevant areas.
- » Information on the compatibility of the project with municipal planning on the use of the soil.
- » Environmental effects and risks inherent to the project, as well as the use and/or exploitation of natural resources required for the different alternatives studied.
- » Presence of communities and mechanisms used to inform on the project, work, or activity.
- » Environmental cost-benefit analysis of alternatives.
- » Selection and justification of the best alternative from the environmental point of view.

Not all projects require the formulation and study of alternatives. Only the projects defined in the law may be subject to this requirement. There is a stage prior to the application of the license where the projects defined in a legal list must ask the environmental authority on the need to submit this study (see question 11).

In general terms, this requirement applies to projects with linear features, such as roads, pipelines, power lines, and specific ones such as refineries, ports, and hydroelectrics, notwithstanding a case by case analysis.

- **The Environmental Impact Study (Estudio de Impacto Ambiental-EIA)** is the basis to decide on the feasibility of the projects that require environmental license and is mandatory for all projects requiring such a license. The EIA must include the following at least²²:

- » Delimitation of the direct and indirect area of influence of the project, work, or activity.
- » Description of the project, work, or activity, including localization, stages, dimensions, estimated costs, schedule, processes, identification and basic estimation of raw materials, products, residues, emissions, discharges, and risks inherent to the technology to be used, the sources, and control systems.
- » Information on the compatibility of the project with the use of the soil set forth in the Land Use Plan (Plan de Ordenamiento Territorial-POT).
- » Information on renewable natural resources pretended to be used, exploited, or affected by the development of the project, work, or activity.
- » Identification of the communities and the

20. Article 13 of Decree 2820 of 2010.
21. Articles 17 and 19 of Decree 2820 of 2010.
22. Article 21 of Decree 2820 of 2010.

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- mechanisms used to inform about the project, work, or activity.
- » Description, characterization, and analysis of the biotic, abiotic and socioeconomic environment where the project, work, or activity will be developed.
- » Identification and evaluation of environmental impact that the project, work, or activity must produce, indicating which ones can be prevented, mitigated, corrected, or compensated.
- » Contingency plan for the construction and operation of the project.
- » Proposal for an Environmental Management Plan of the project, work, or activity, including:
 - Prevention, mitigation, correction, and compensation measures of negative environmental impacts that the project, work, or activity may cause in the environment or communities.
 - Program for the monitoring of the project, work,

- or activity in order to verify the compliance of commitments and obligations derivated from the Environmental Management Plan, and to verify the compliance with environmental quality standards set forth in valid laws. Also, to evaluate, with the use of indicators, the environmental performance foreseen for the project, work, or activity; the efficiency and efficacy of the measures of environmental management adopted and the pertinence of corrective measures necessary and applicable to each particular case.
- Contingency Plan including the measures for the prevention and response to emergencies that may occur during the development of the project, work, or activity.
- Projected costs of the Management Plan related to the total cost of the project, work, or activity, and its schedule.

To guide companies in preparing the environmental studies, the ANLA has set forth terms of reference for the works, activities, and projects that need environmental licenses. These define the general guidelines for the performance of the DAA and EIA. Environmental authorities have 30 working days after the request by the interested party for defining the applicable terms of reference for EIAs²³.

Also, the studies must follow the General Methodology to Submit Environmental Studies.



9 WHAT IS AN ENVIRONMENTAL MANAGEMENT PLAN?

It is the detailed set of measures and activities oriented to prevent, mitigate, correct, or compensate environmental impacts and effects caused during the development of a project, work, or activity. The Environmental Management Plan must include follow-up, monitoring, contingency, and abandonment plans

depending on the nature of the project, work, or activity.

The Environmental Management Plan must be part of the Environmental Impact Study submitted by the interested to obtain the environmental license.

23. Article 57 of Law 99 of 1993.

10 WHERE CAN I FIND THE TERMS OF REFERENCE AND METHODOLOGY FOR THE PREPARATION OF THE ENVIRONMENTAL STUDIES?

- » The terms of reference are published in the web page of the National Authority of Environmental Licenses (ANLA) at www.anla.gov.co.

You can consult the section **Normativa/Documentos Estratégicos/Términos de Referencia**. There, you will find the terms of reference classified by sector and type of project subject to an environmental license, or if you prefer, please use the following link: www.anla.gov.co/contenido/contenido.aspx?catID=144&conID=7915

- » The General Methodology to Submit Environmental Studies may be consulted in the web page of the Ministry of Environment and Sustainable Development at www.minambiente.gov.co.

You may consult the section **Direcciones/Bosques, Biodiversidad y Servicios Ecosistémicos/Licencias, Permisos y Trámites Ambientales/ Documentos Estratégicos**. Or please use the following link: www.minambiente.gov.co/documentos/documentosbiodiversidad/licencias/varios/metodologia_presentacion_ea.pdf



11 HOW DOES THE PROCESS TO OBTAIN AN ENVIRONMENTAL LICENSE START?

Prior to starting the process of an environmental license, it is advisable to study and know in detail the environmental conditions of the area where the project will be developed in order to predict, early enough, aspects that may be decisive in the environmental feasibility of the project. For example, it is important to know if the project affects a protected area to document on the anthropogenic activities permitted thereof. Also, some projects may require the subtraction of a forest reserve area, which must be resolved before applying for an environmental license²⁴.

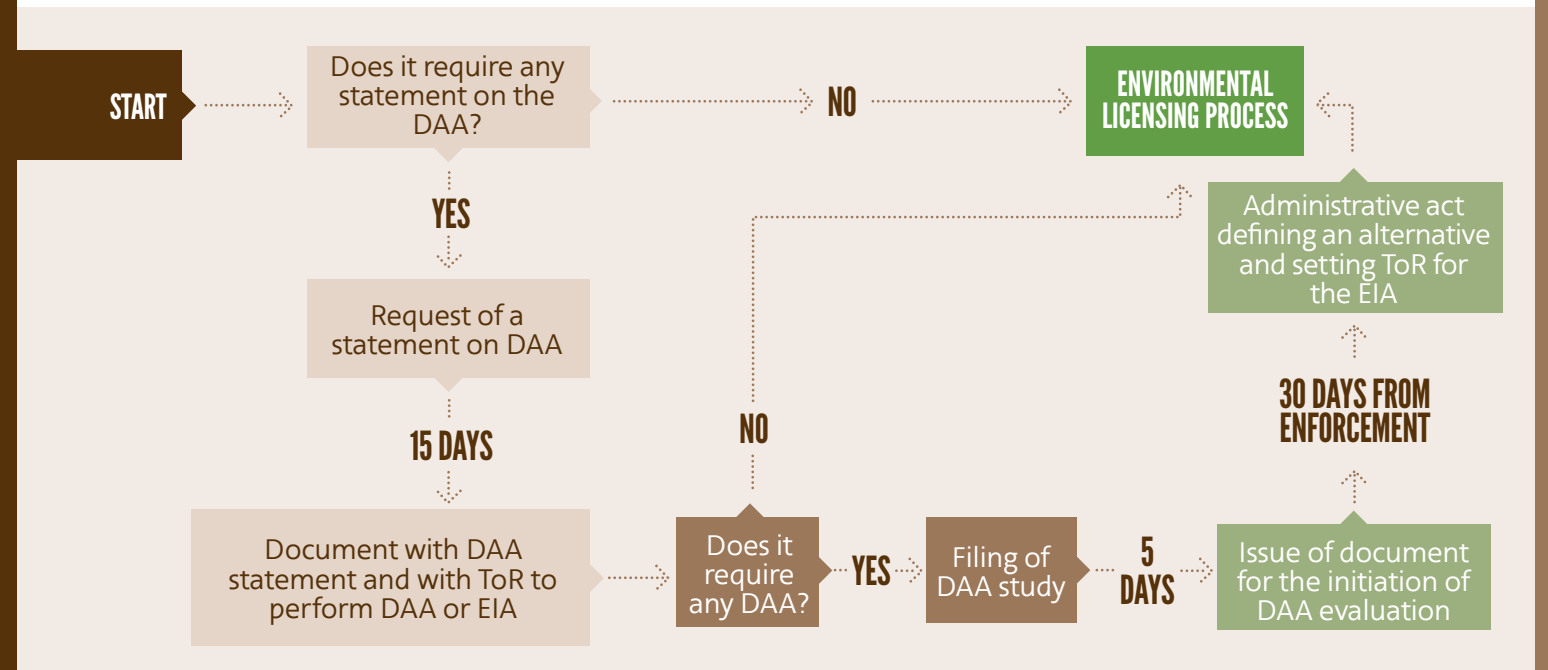
The first step in the process to obtain an environmental license is to establish if the project needs to formulate and submit an Environmental Diagnosis of Alternatives (DAA) before the environmental authority.

If the project is susceptible to require a DAA for being in the list shown in Table 1, a statement of the environmental authority on the need to submit such study must be requested. The authority has 15 days to respond, and if it is the case, inform the terms of reference²⁵.

TABLE 1. Activities that require an Environmental Diagnosis of Alternatives²⁶.

SECTOR	SPECIFIC ACTIVITY
Hydrocarbons	<ol style="list-style-type: none"> 1. Seismic exploration of hydrocarbons that require the construction of roads for vehicular traffic. 2. Transportation and conduction of liquid or gas hydrocarbons by pipelines of more than 6 inches diameter. 3. Terminals for the delivery of liquid hydrocarbons. 4. Construction of refineries and petrochemical developments.
Energy	<ol style="list-style-type: none"> 1. Construction and operation of power plants for electricity. 2. Projects for the exploration and use of alternative energy sources. 3. Laying of lines in the National System of Electric Interconnection. 4. Projects for the generation of nuclear power.
Construction of land public or private works	<ol style="list-style-type: none"> 1. Construction of airports. 2. Construction of ports. 3. Construction of roads, tunnels, and other infrastructure associated with the national road network, secondary and tertiary. 4. Construction of second lanes when not attached to existing roads. 5. Construction of railroads.
Port, maritime, or fluvial projects	<ol style="list-style-type: none"> 1. Projects that require transfer from a basin to another. 2. Execution of works in the national fluvial network except dredges for deepening. 3. Construction of dams, reservoirs, impoundments.

If the authority considers it necessary, the company must submit the DAA based on the terms of reference indicated by the environmental authority. The authority proceeds to study the DAA and define the most appropriate alternative. It has a maximum period of 30 business days to do so. Based on such alternative, the company may prepare the EIA and proceed with the application of the environmental license.



24. Notwithstanding of the need of an environmental license, the State is the owner of the subsoil and nonrenewable natural resources in the soil and subsoil, according to the Political Constitution of Colombia. Therefore, private individuals may access the extraction of these resources under the conditions set in the law through agreements such as the concession agreement (mining title before the National Mining Agency (Agencia Nacional de Minería) and exploration and production agreements with the Hydrocarbons National Agency (Agencia Nacional de Hidrocarburos), which must be subscribed prior to the process of the environmental license.

25. Articles 18 and 23 of Decree 2820 of 2010.

26. Decree 2820 of 2010, Article 18.

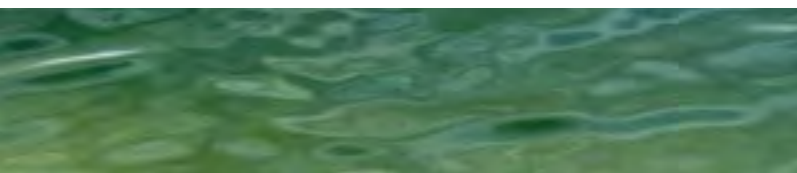


12 WHAT DOES IT HAPPEN IF THE AREA OF THE PROJECT AFFECTS PROTECTED AREAS?

If confirmed that the project is located in any area of the National System of Protected Areas, it is necessary to verify the uses allowed depending on the type of protected area. This information can be consulted in Decree 2372 of 2010.

In addition, it must be verified if a subtraction from the Forestal Reserve or lifting of the ban of species of flora and fauna needs to be done for the development of

the project. If so, the company must file an application before the Department of Forest, Biodiversity, and Ecosystems Services (Dirección de Bosques, Biodiversidad y Servicios Ecosistémicos) of the Ministry of Environment and Sustainable Development. It is advisable that this process takes place prior to the application for the environmental license before the environmental authority.



13 WHAT IS THE ROLE OF THE COMMUNITIES IN THE AREA OF THE PROJECT?

Both ethnic and nonethnic communities have rights for the participation in the stages of planning and implementation of the projects that may affect them.

Ethnic communities

According to constitutional and environmental laws, the exploitation of natural resources should be conducted respecting the cultural, social, and economic integrity of the ethnic communities. Decisions such as the granting of an environmental license must be taken after consultation with the representatives of such communities²⁷.

Consequently, if the project, work, or activity is to be carried out in an area where ethnic communities are present, the applicant must do the previous consultation process so that the EIA includes the

relevant information regarding this process. It is important to note that according to the jurisprudence of the Constitutional Court the consent of the communities for the subscription of the agreements of the previous consultation must be free and informed.

The authority in charge of the matters related with Previous Consultations with Ethnic Communities is the Ministry of Interior-Previous Consultation Office. For more information on these processes, you may consult the following web page:

<http://www.mininterior.gov.co/mision/direccion-de-consulta-previa>

Nonethnic communities

One of the components of the Environmental Impact Study is the socialization of the project with the communities²⁸. When the project may jeopardize the livelihood of the communities that depend on certain economic activities, for example fishing, arrangements should be reached with such communities²⁹.

Also, there are mechanisms for direct citizen participation within the process to grant environmental licenses, such as:

» **Third parties involved:** Any individual or body corporate may intervene in the process with no need to show legal interest.

» **Environmental public hearings:** This is an opportunity for the presentation of the project and environmental arrangements proposed in the region, in order to listen to the concerns of the community on the possible impacts of the same. This information is valued and evaluated by the environmental authority to make a decision of the environmental feasibility of the project³⁰.

» **Third party interested:** Individuals who may be directly affected by the granting or denial of an environmental license must be notified of the decision, so they have the possibility to intervene.



14 WHAT ARE THE STAGES OF THE PROCESS TO OBTAIN AN ENVIRONMENTAL LICENSE?

14.1 SUBMISSION OF THE APPLICATION

The following documents³¹ must be submitted with the application:

» Single National Environmental License Form (Formulario Único Nacional de Licencias Ambientales). It may be downloaded at:

www.anla.gov.co/contenido/contenido.aspx?catID=144&conID=7914

- » Environmental Impact Study.
- » Plan of the localization of the project.
- » Estimated cost of the investment and operation of the project.
- » Power of attorney duly granted when acting via an attorney.
- » Proof of payment for the service of the evaluation of the environmental license.

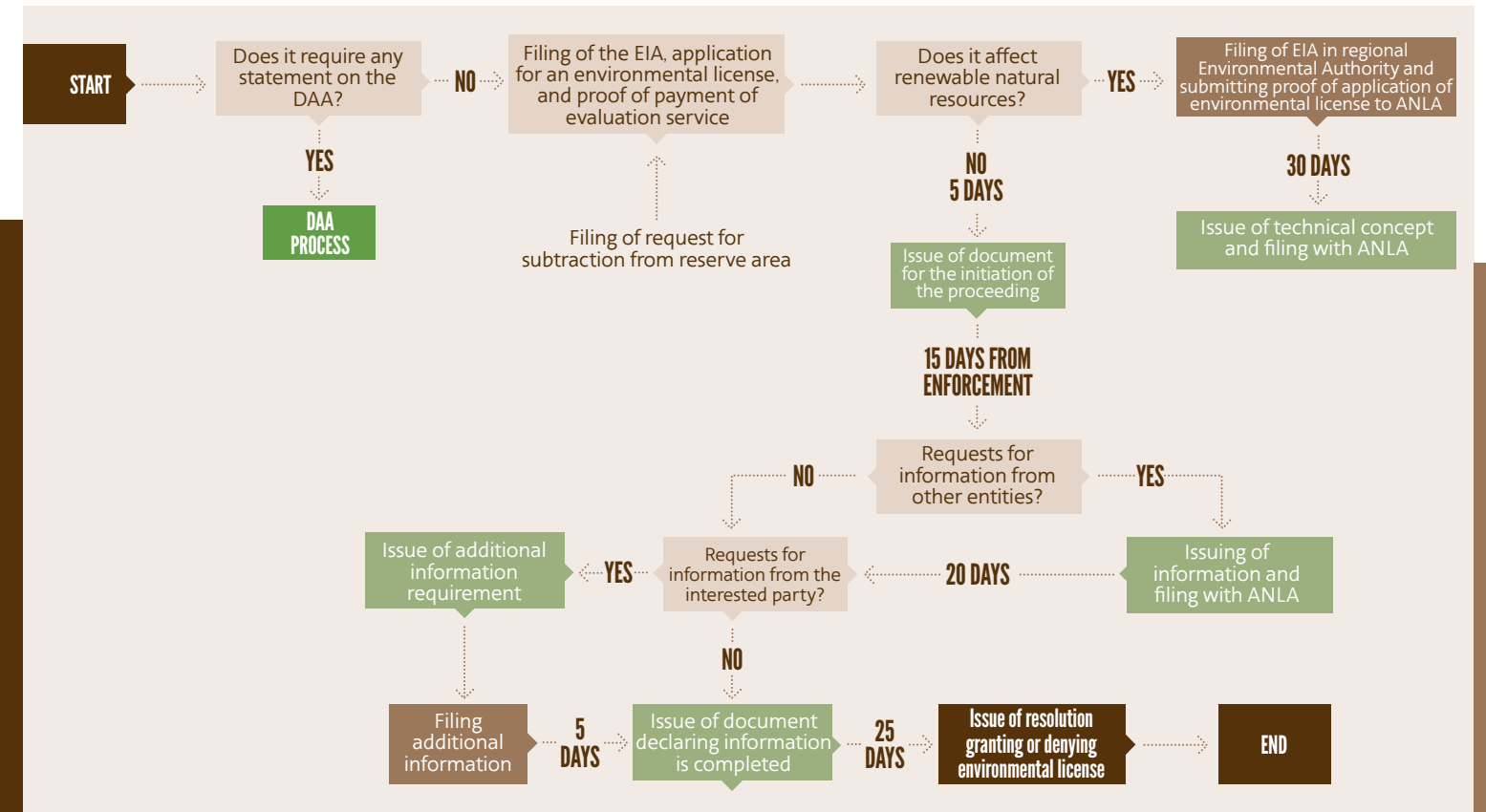
- » Certificate of incumbency, for body corporates.
- » Certificate of the Ministry of the Interior on the presence of ethnic communities.
- » Certificate of the Colombian Institute of Rural Development (Instituto Colombiano de Desarrollo Rural-Incoder) on the existence of territories with titles in favor of traditional communities.

28. Article 15 of Decree 2820 of 2010.
 29. Constitutional Court, Decision T-348-12. Reporting Judge Jorge Ignacio Pretelt Chaljub.
 30. Article 72 of Act 99 of 1993 and paragraph 3 of Article 25 of Decree 2820 of 2010.
 31. Article 24 of Decree 2820 of 2010.

- » Copy of the filing before the Colombian Institute of Archaeology and History (Instituto Colombiano de Arqueología e Historia-ICANH), of the Program of Preventive Archaeology in the event that the latter is needed according to the legislation on archaeological patrimony³².
- » In mining projects, a copy of the mining title and the mining concession agreement registered in the National Mining Registry must be submitted.
- » In projects about hydrocarbons, a copy of the relevant agreement must be submitted.
- » In projects of the mining exploitation of coal, a

study of the method of transportation from the place of exploitation of the coal to the port of shipping must be submitted.

» If the application of a license must be requested before the ANLA and it implies the use or benefit of renewable natural resources, the company also has to submit the EIA before the relevant regional environmental authority and submit this certificate to the ANLA. The regional authority must issue a technical opinion and send it to the ANLA within the following 30 business days.



14.2 FORMAL EXAMINATION³³

The authority checks that the application is complete. 5 days after this check, it has to formally start the process.

14.3 STUDY OF THE APPLICATION³⁴

If the environmental authority considers necessary to have information from other entities, there is a period of time of 15 business days to request it. The entity consulted has 20 business days to send the information requested.

In the event of needing additional information on the part of the company, the environmental entity issues a technical opinion that includes the relevant legal

analysis based on which it can formally request such additional information.

Once the company submits the additional information, the authority declares that it has gathered the information necessary to decide. After 25 business days, it has to grant or deny the environmental license.

Continued next page. ➔

15 HOW LONG DOES IT TAKE TO OBTAIN THE ENVIRONMENTAL LICENSE?

According to the law, the environmental licensing procedure takes around 180 business days³⁵. However, in practice, this term may vary depending on the competent authority, the complexity of the project, work, or activity, and the quality and integrity of the information of the environmental studies.

In any case, if the decision cannot be taken within this period, a Committee must meet to define a course of

action so that the environmental authority is able to decide upon the license in a maximum term of 30 business days. The Committee is composed by the Minister of Environment and Sustainable Development, or a delegate; the Director of the National Planning Department or a delegate, and the Minister head of the economic sector involved in the project or a delegate³⁶.

16 WHAT IS THE VALIDITY OF AN ENVIRONMENTAL LICENSE?

Environmental licenses are granted for the lifetime of the project, work, or activity, and cover all the phases: construction, installation, operation, maintenance, decommissioning, final restoration, abandonment, and/or termination³⁷.

32. Act 1185 of 2008.
33. Article 25 of Decree 2820 of 2010.
34. Article 25 of Decree 2820 of 2010.

35. Articles 23 and following of Decree 2820 of 2010.
36. Article 58 of Law 99 of 1993.
37. Article 6 of Decree 2820 of 2010.



17 WHAT ARE THE COSTS OF THE PROCESS OF AN ENVIRONMENTAL LICENSE?

Environmental authorities charge for the services of the environmental evaluation and follow-up of the environmental licenses. The fee includes the following components: (i) expenses related to professional fees; (ii) per diem and travel expenses; (iii) the price of required laboratory analysis or other studies, and

technical designs, and; (iv) representative percentage of administrative expenses³⁸.

In any case, there are caps applicable to amounts that environmental authorities can charge for such services. These caps are as follows³⁹:

PRICE OF THE PROJECT*	MAXIMUM FEE
Up to USD 684,592 approximately	0.6%
Between USD 684,592 and USD 2.7 million approximately	0.5%
More than USD 2.7 million approximately	0.4%

*Amounts defined in legal monthly minimum salaries (this amount is COP \$616,000 for 2014). Exchange rate is USD 1.00 = COP \$1,900.

Finally, after the environmental license is obtained, if the project needs to capture water directly from natural sources, it must invest at least 1% of the total price of the project in the environmental recuperation or restoration of the watershed to which the source of

water belongs⁴⁰. This obligation is independent from the other obligations of environmental compensation of the license, and must be arranged with the regional environmental authority, even if it is a project of the competence of the ANLA.



18 WHAT HAPPENS AFTER OBTAINING AN ENVIRONMENTAL LICENSE?

The projects, works, or activities subject to an environmental license are subject to control and follow-up by environmental authorities during the construction, operation, decommissioning, or abandonment. Such follow-up seeks to verify the implementation of the Environmental Management Plan, the efficiency and efficacy of the measures taken and the compliance of the obligations described in the environmental license.

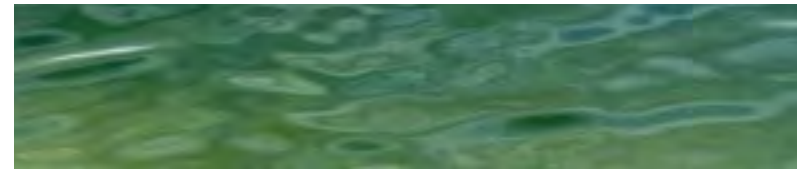
technically or through evidence, among other.

To this end, environmental authorities may conduct site visits where the project will be developed, do information requirements, and corroborate the results of the monitoring done by the beneficiary of the license,

If the environmental conditions of the project vary with respect to those initially identified in the Environmental Impact Study, the environmental authority may impose additional environmental obligations⁴¹.

Finally, if the holder of the license violates the environmental license or environmental law, or causes environmental damages, it will be subject to preventive measures and environmental sanctions⁴².

38. Article 96 of Act 633 of 2000. For licenses issued by the ANLA, specific amounts are defined in Resolution 1086 dated December 18, 2012, modified by Resolution 122 dated February 5, 2013. Also, Regional Environmental Authorities have to establish the specific costs for the projects of its competence.
 39. Article 96 of Act 633 of 2000.
 40. Article 43, Act 99 of 1993.
 41. Article 39, Decree 2820 of 2010.
 42. The environmental sanction regime is set forth in Act 1333 of 2009.

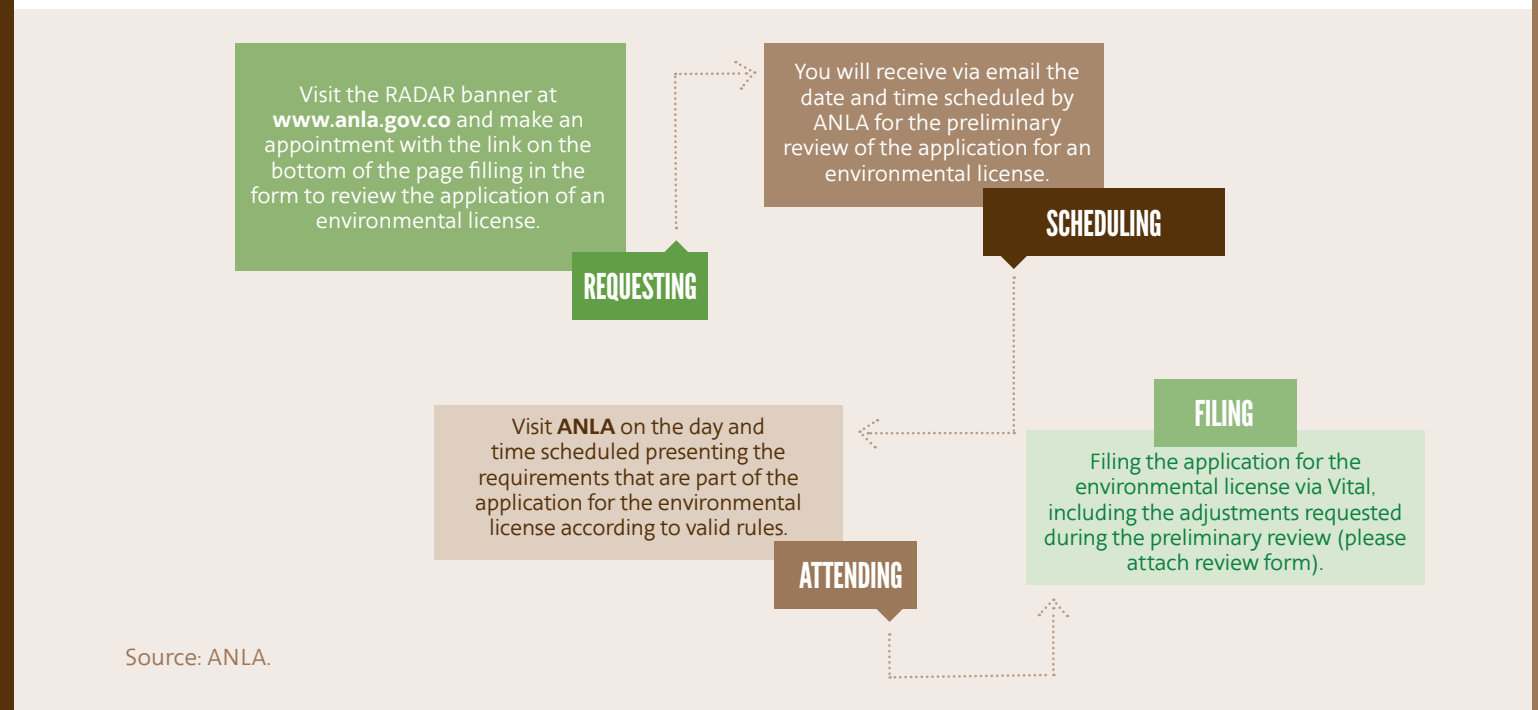


19 WHAT IS RADAR AND HOW DOES IT BENEFIT APPLICANTS OF ENVIRONMENTAL LICENSES?

Radar is a strategy for preliminary review of applications to obtain environmental licenses by the ANLA. This strategy aims to optimize the licensing process reducing the times required for the formal start of the process and the timely application of the

missing documentation.

The following diagram shows the general operation of the strategy:



Source: ANLA.



20 WHAT IS VITAL AND HOW DOES IT BENEFIT APPLICANTS OF ENVIRONMENTAL LICENSES?

Vital is the Online Integral Window of Environmental Processes that seeks to provide more efficient services to citizens and companies through the use of information technologies and communications.

intervening in the process, such as registry offices of public deeds, Incoder, bank entities, Ministry of Interior, Confecámaras, among others.

Vital is a single centralized system to manage chains of environmental procedures, which manages the information of the actors involved in the management of environmental licenses and environmental permits. Vital includes the authorities that grant them, applicants users, citizens, and external entities

In addition, Vital has other applications for the support of users such as the electronic notification and online payment of the services covered by the procedures.

For more information, please consult: <http://vital.anla.gov.co/ventanillasilpa/>

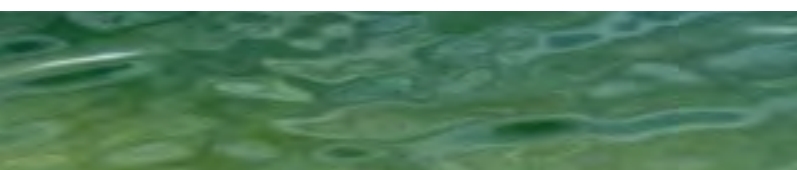


21 ANLA CONTACT INFORMATION

Should you need to contact directly the National Authority of Environmental Licenses, please note the following information:

- » Web page: www.anla.gov.co
- » Email: licencias@anla.gov.co

- » Switchboard: +57 1 254 0111
- » National toll-free number: 01 8000 112 998
- » Fax: +57 1 254 0119
- » Address: Calle 37 N.º 8-40 Bogotá, Colombia
- » Opening hours: Monday to Friday from 08:00 a.m. - 4:00 p.m.



22 DIRECTORY OF CARs

NAME	ADDRESS	TELEPHONE	EMAIL OR WEBSITE
Corporación Autónoma Regional del Alto Magdalena	Carrera 1 N.º 60-79 Neiva, Huila	+57 8 876 5017	camhuila@cam.gov.co
Corporación Autónoma Regional de Cundinamarca	Carrera 7ª N.º 36-45 Bogotá, Cundinamarca	+57 1 320 9000	sau@car.gov.co
Corporación Autónoma Regional de Risaralda	Calle 46 N.º 46-40 Pereira, Risaralda	+57 6 314 1487	carder@carder.gov.co
Corporación Autónoma Regional del Dique	Transversal 52 N.º 16-190 Cartagena, Bolívar	+57 5 669 4059	www.cardique.gov.co
Corporación Autónoma Regional de Sucre	Carrera 25 N.º 25-101 Sucre, Sincelejo	+57 5 274 9996	carsucre@carsucre.gov.co
Corporación Autónoma Regional de Santander	Carrera 12 N.º 9-06 San Gil, Santander	+57 7 724 0762	contactenos@cas.gov.co
Corporación para el Desarrollo Sostenible del Norte y Oriente Amazónico	Calle 26 N.º 11-131 Inírida, Guainía	+57 8 565 6351	contactenos@cda.gov.co
Corporación Autónoma Regional de Defensa de la meseta de Bucaramanga	Carrera 23 N.º 37-63 Bucaramanga, Santander	+57 7 634 6100	info@cdmb.gov.co
Corporación para el Desarrollo Sostenible del Chocó	Carrera 1ª N.º 22-96 Quibdó, Chocó	+57 4 670 9056	contacto@codechoco.gov.co
Corporación para el Desarrollo Sostenible del Archipiélago de San Andrés, Providencia y Santa Catalina	Carretera San Luis Bigth km 26 San Andrés	+57 8 512 0081	coralina@coralina.gov.co
Corporación Autónoma Regional del Centro de Antioquia	Carrera 65 N.º 44A-32 Medellín, Antioquia	+57 4 493 8888	corantioquia@corantioquia.gov.co

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NAME	ADDRESS	TELEPHONE	EMAIL OR WEBSITE
Corporación para el Desarrollo Sostenible de la Macarena	Carrera 35 N.º 25-57 Barrio San Benito Villavicencio, Meta	+57 8 673 0420	info@cormacarena.gov.co
Corporación Autónoma Regional de las cuencas de los ríos Negro y Nare	Autopista Medellín-Bogotá Km 54 El Santuario, Antioquia	+57 4 546 1616	cliente@cornare.gov.co
Corporación para el Desarrollo Sostenible del sur de la Amazonía	Carrera 17 N.º 14-85 Mocoa, Putumayo	+57 8 429 5267	correspondencia@corpoamazonia.gov.co
Corporación Autónoma Regional de Boyacá	Antigua vía a Paipa N.º 53-70 Tunja, Boyacá	+57 8 745 7188	corpoboyaca@corpoboyaca.gov.co
Corporación Autónoma Regional de Caldas	Calle 21 N.º 23-22 Edificio Seguros Atlas Manizales, Caldas	+57 6 884 1972	corpocaldas@corpocaldas.gov.co
Corporación Autónoma Regional del Cesar	Carrera 9 N.º 9-88 Valledupar, Cesar	+57 5 574 8960	direcciongeneral@corpocesar.gov.co
Corporación Autónoma Regional de Chivor	Carrera 5 N.º 10-125 Garagoa, Boyacá	+57 8 750 0661	cchivor@corpochivor.gov.co
Corporación Autónoma Regional de La Guajira	Carrera 7a N.º 12-25 Riohacha, La Guajira	+57 5 727 5125	servicioalcliente@corpoguajira.gov.co
Corporación Autónoma Regional del Guavio	Carrera 7 N.º 1A-52 Gachalá, Cundinamarca	+57 1 853 8513	atencionalusuario@corpoguavio.gov.co
Corporación Autónoma Regional del Magdalena	Av. del Libertador N.º 32-201 Santa Marta, Magdalena	+57 5 421 1344	correojudicial@corpamag.gov.co
Corporación para el Desarrollo Sostenible de la Mojana y el San Jorge	Carrera 21 N.º 21A-44 San Marcos, Sucre	+57 5 295 5477	corpomojana@corpomojana.gov.co
Corporación Autónoma Regional de Nariño	Calle 25 N.º 7 Este-84 Pasto, Nariño	+57 2 730 9282	quejasreclamos@corponarino.gov.co
Corporación Autónoma Regional de Norte de Santander	Calle 13 Av. El Bosque N.º 3E-278 Cúcuta, Norte de Santander	+57 7 582 8484	corponor@corponor.gov.co
Corporación Autónoma Regional de la Orinoquía	Carrera 23 N.º 18-31 Yopal, Casanare	+57 8 635 8588	atencionusuarios@corporinoquia.gov.co
Corporación para el Desarrollo Sostenible del Urabá	Calle 92 N.º 98-39 Apartadó, Antioquia	+57 4 828 1022	contactenos@corpouraba.gov.co
Corporación Autónoma Regional del Tolima	Av. Ferrocarril con 44 Esquina Ibagué, Tolima	+57 8 265 5378	cortolima@cortolima.gov.co
Corporación Autónoma Regional del Atlántico	Calle 66 N.º 54-43 Barranquilla, Atlántico	+57 5 349 2482	info@crautonomia.gov.co
Corporación Autónoma Regional del Cauca	Carrera 7 N.º 1-28 Popayán, Cauca	+57 2 820 3232	crc@crc.gov.co
Corporación Autónoma Regional del Quindío	Calle 19 Norte N.º 19-55 Armenia, Quindío	+57 6 746 0600	servicioalcliente@crq.gov.co

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NAME	ADDRESS	TELEPHONE	EMAIL OR WEBSITE
Corporación Autónoma Regional del Sur de Bolívar	Carrera 16 N.º 10-27 Magangué, Bolívar	+57 5 878 8000	www.carcsb.galeon.com
Corporación Autónoma Regional del Valle del Cauca	Carrera 56 N.º 11-36 Cali, Valle del Cauca	+57 2 620 6600	atencionalusuario@cvc.gov.co
Corporación Autónoma Regional de los valles del Sinú y San Jorge	Calle 29 N.º 2-43 Montería, Córdoba	+57 4 782 9950	contacto@cvs.gov.co
Secretaría Distrital de Ambiente	Avenida Caracas N.º 54-38 Bogotá, Cundinamarca	+57 1 377 8899	www.ambientebogota.gov.co
Área Metropolitana del Valle de Aburrá	Carrera 53 N.º 40A-31 Medellín, Antioquia	+57 4 385 6000	metropol@metropol.gov.co
Establecimiento Público Ambiental de Cartagena	Calle Real N.º 19-26 Cartagena, Bolívar	+57 5 664 4119	contactenos@epacartagena.gov.co
Departamento Administrativo Distrital del Medio Ambiente	Edificio Pevesca, oficina 306 Santa Marta, Magdalena	+57 5 432 1000	www.dadma.gov.co
Departamento Administrativo de Gestión de Medio Ambiente	Avenida 5 N.º 20N-08 Piso 10 Cali, Valle del Cauca	+57 2 524 0580	dagma@cali.gov.co
Departamento Técnico Administrativo del Medio Ambiente Barranquilla	Calle 65 N.º 43-48 Barranquilla, Atlántico	+57 5 360 8668	www.damab.gov.co

