MANUAL OF ENVIRONMENTAL LICENSING IN COLOMBIA
The purpose of this document is purely informative. The guide is not intended to provide legal advice; therefore, those using this manual shall not be entitled to bring any claim or action against ProColombia Colombia or the National Authority of Environmental Licenses, their respective directors, officers, employees, agents, advisors, or consultants arising from any expense or cost incurred into or for any commitment or promise made based on the information contained in this manual; neither shall they be entitled to indemnifications from ProColombia Colombia or the National Authority of Environmental Licenses for decisions made on the basis of the contents or the information provided in this manual.

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 world.
- Colombia is the first country of the world in diversity of birds and orchids.
- Colombia is the second country of the world in diversity of plants, amphibians, and butterflies.
- Colombia is the third country of the world in diversity of reptiles.
- Colombia is the fourth country of the world in diversity of mammals.
- There are 197 registered species of migratory birds that visit the country.
- Colombia has 16.4% of the orchids of the planet.
- In Colombia there are around 2,500 species of molluscs, 2,000 of fish (176 elasmobranchia), and 35 mammals that inhabit marine or estuarine water.
- Colombia has a continental area of 1,141,748 km² and a 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% of the lakes and marshes and 62% of the aquifers.
- Colombia has the greatest number of ecosystems represented in one same country.

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 2871 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.

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 landscape. 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 effects.

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 applicant.
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 Urbanos); Environmental Authorities of the Districts of Cartagena, Santa Marta, and Barranquilla.

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

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**ACRONYM** | **DENOMINATION** | **SEAT**
--- | --- | ---
CAM | Corporación Autónoma Regional del Alto Magdalena | Neiva
CAR | Corporación Autónoma Regional de Cundinamarca | Bogotá D. C.
CANDER | Corporación Autónoma Regional de Risaralda | Pereira
CARDIQUE | Corporación Autónoma Regional del Dique | Cartagena de Indias
CARSUCRE | Corporación Autónoma Regional de Sucre | Sincelejo
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
CORANITIOQUIA | 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 | Rio Negro
CORPOAMAZONÍA | Corporación para el Desarrollo Sostenible del Sur de la Amazonía | Mocoa
CORPOBOYÁCÁ | 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 | Garagao
CORPOGUAJIRA | Corporación Autónoma Regional de La Guajira | Riohacha
CORPOGUAVIO | Corporación Autónoma Regional del Guavió | 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
CORPONARÍN | Corporación Autónoma Regional de Nariño | Pasto
CORPONOR | Corporación Autónoma Regional de Norte de Santander | Cúcuta
CORPORINQUIA | Corporación Autónoma Regional de la Orinoquia | Yopal
CORPOURABA | Corporación para el Desarrollo Sostenible del Uribá | 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 Bolivar | 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. Projects, works, and activities that need an environmental license or plans for the environmental management of projects other than the following:

**SECTOR** | **ANLA** | **REGIONAL ENVIRONMENTAL AUTHORITIES**
--- | --- | ---
Hydrocarbons | 1. Seismic exploration activities that require road construction and seismic exploration offshore in less than 200m deep. | N/A
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 derivative products via pipelines.
6. The construction and operation of refineries and petrochemical developments part of a refining project.

Mining | 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.

Construction of dams, reservoirs, impoundments | 1. Capacity greater than 200 million cubic meters of water.

Energy | 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.

**SECTOR** | **ANLA** | **REGIONAL ENVIRONMENTAL AUTHORITIES**
--- | --- | ---
Maritime and port | 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.

Execution of public works | 1. Projects in the primary road network:
- The construction of roads including bridges.
- The construction of second lanes.
- The construction of tunnels and accesses.
2. Projects in the national river network:
- 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.

Construction of irrigation and drainage | 1. The construction and operation for areas greater than 20,000 hectares.

Production and importation of pesticides | 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).

Substances subject to control under specific treaties | 1. Import and production of substances subject to control under specific treaties.

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.

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<table>
<thead>
<tr>
<th>SECTOR</th>
<th>ANLA</th>
<th>REGIONAL ENVIRONMENTAL AUTHORITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects that imply transfers of water currents</td>
<td>1. The transfer from one basin to another with current flows greater than 2 m³ per second, in periods of low flow.</td>
<td>1. The transfer from one basin to another with current flows under 2 m³ per second, in periods of low flow.</td>
</tr>
<tr>
<td>Construction and operation of facilities for the management of residues</td>
<td>N/A</td>
<td>1. Sanitary landfills. 2. Systems for the treatment of waste waters provided for populations greater than 200,000 inhabitants. 3. Plants for the use and valorization of biodegradable organic solid residues of more than 20,000 tons per year. 4. 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).</td>
</tr>
<tr>
<td>Projects in National Natural Parks</td>
<td>Projects that affect National Natural Parks: - 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.</td>
<td>N/A</td>
</tr>
<tr>
<td>Irrigation and drainage works</td>
<td>Irrigation and drainage works that require environmental license and are executed by Regional Autonomous Corporations.</td>
<td>N/A</td>
</tr>
<tr>
<td>Introduction of foreign species</td>
<td>Introduction of foreign species to the country.</td>
<td>N/A</td>
</tr>
<tr>
<td>Steel, cement, and concrete producers</td>
<td>N/A</td>
<td>Steel, cement, and concrete producers whose production of concrete is greater than 10,000 m³ per month.</td>
</tr>
<tr>
<td>Production of alcohols, acids, and chemical substances</td>
<td>N/A</td>
<td>Manufacturing industry for alcohols, inorganic acids, and chemical substances of mineral origin.</td>
</tr>
<tr>
<td>Dangerous substances</td>
<td>N/A</td>
<td>Storage of dangerous substances except hydrocarbons.</td>
</tr>
<tr>
<td>Commercial hunting and animal breeding</td>
<td>N/A</td>
<td>Commercial hunting and animal breeding.</td>
</tr>
</tbody>
</table>

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 authority.

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 contracts.

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 projects.

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 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.

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 10 of Decree 420 of 2010.
19 Article 4 of Decree 2620 of 2010.
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).

1. 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 aspects:

» 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 hydroelectric projects, notwithstanding a case by case analysis.

2. 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 least:

» 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 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 EIAs.

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

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.
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. 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

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 feasibility of the project. For example, it is important to know if the project affects a protected area to document feasibility of the project. For example, it is important to know if the project affects a protected area to document feasibility of the project.

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 reference26.

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

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>SPECIFIC ACTIVITY</th>
</tr>
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<tbody>
<tr>
<td>Hydrocarbons</td>
<td>1. Seismic exploration of hydrocarbons that require the construction of roads for vehicular traffic.</td>
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<tr>
<td></td>
<td>2. Transportation and conduction of liquid or gas hydrocarbons by pipelines of more than 6 inches diameter.</td>
</tr>
<tr>
<td></td>
<td>3. Terminals for the delivery of liquid hydrocarbons.</td>
</tr>
<tr>
<td>Energy</td>
<td>1. Construction and operation of power plants for electricity.</td>
</tr>
<tr>
<td></td>
<td>2. Projects for the exploration and use of alternative energy sources.</td>
</tr>
<tr>
<td></td>
<td>3. Laying of lines in the National System of Electric Interconnection.</td>
</tr>
<tr>
<td></td>
<td>4. Projects for the generation of nuclear power.</td>
</tr>
<tr>
<td>Construction of land public or private works</td>
<td>1. Construction of airports.</td>
</tr>
<tr>
<td></td>
<td>2. Construction of ports.</td>
</tr>
<tr>
<td></td>
<td>3. Construction of roads, tunnels, and other infrastructure associated with the national road network: secondary and tertiary.</td>
</tr>
<tr>
<td></td>
<td>4. Construction of second lanes when not attached to existing roads.</td>
</tr>
<tr>
<td>Port, maritime, or fluvial projects</td>
<td>1. Projects that require transfer from a basin to another.</td>
</tr>
<tr>
<td></td>
<td>2. Execution of works in the national fluvial network except dredges for deepening.</td>
</tr>
</tbody>
</table>

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.
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 Ecosystem 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 communities.

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 communities. 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 communities.

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 project.
- 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 documents must be submitted with the application:

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


- 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.
- 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.
- Report of payment for the service of the evaluation of the environmental license.

» 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 patrimony.

» 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.

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

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.

According to the law, the environmental licensing procedure takes around 180 business days. 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 delegate.

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 termination.

Continued next page...
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 (iv) representative percentage of administrative expenses.

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

<table>
<thead>
<tr>
<th>PRICE OF THE PROJECT*</th>
<th>MAXIMUM FEE</th>
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</thead>
<tbody>
<tr>
<td>Up to USD 684.592 approximately</td>
<td>0.6%</td>
</tr>
<tr>
<td>Between USD 684.592 and USD 2.7 million approximately</td>
<td>0.5%</td>
</tr>
<tr>
<td>More than USD 2.7 million approximately</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

*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 belongs. 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.

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 follow-up seeks to verify the implementation of the 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 follow-up seeks to verify the implementation of the additional environmental obligations.

If the environmental conditions of the project vary with respect to those initially identified in the Environmental Impact Study, the environmental authority may impose other obligations of environmental compensation or environmental authorities can charge for such services. These caps are as follows:

Vital is the Online Integral Window of Environmental Procedures that seeks to provide more efficient services to citizens and companies through the use of information technologies and communications. 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 intervening in the process, such as registry offices of public deeds, Incoder, bank entities, Ministry of Interior, Confecámaras, among others.

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 environmental license. For more information, please consult: http://vital.anla.gov.co/ventanillasilpa/
ANLÁ CONTACT INFORMATION

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

- Switchboard: +57 1 254 0111
- National toll-free number: 01 8000 112 998
- Fax: +57 1 254 0119
- Address: Calle 37 N.° 8-40 Bogotá, Colombia
- Opening hours: Monday to Friday from 08:00 a.m. - 4:00 p.m.
- Web page: www.anla.gov.co
- Email: licencias@anla.gov.co

22 DIRECTORY OF CARs

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>TELEPHONE</th>
<th>EMAIL OR WEBSITE</th>
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<tbody>
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<tr>
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<td>Corporación Autónoma Regional del Sur de Bolívar</td>
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<td>+57 5 432 1000</td>
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