

THE ABC OF SENACE

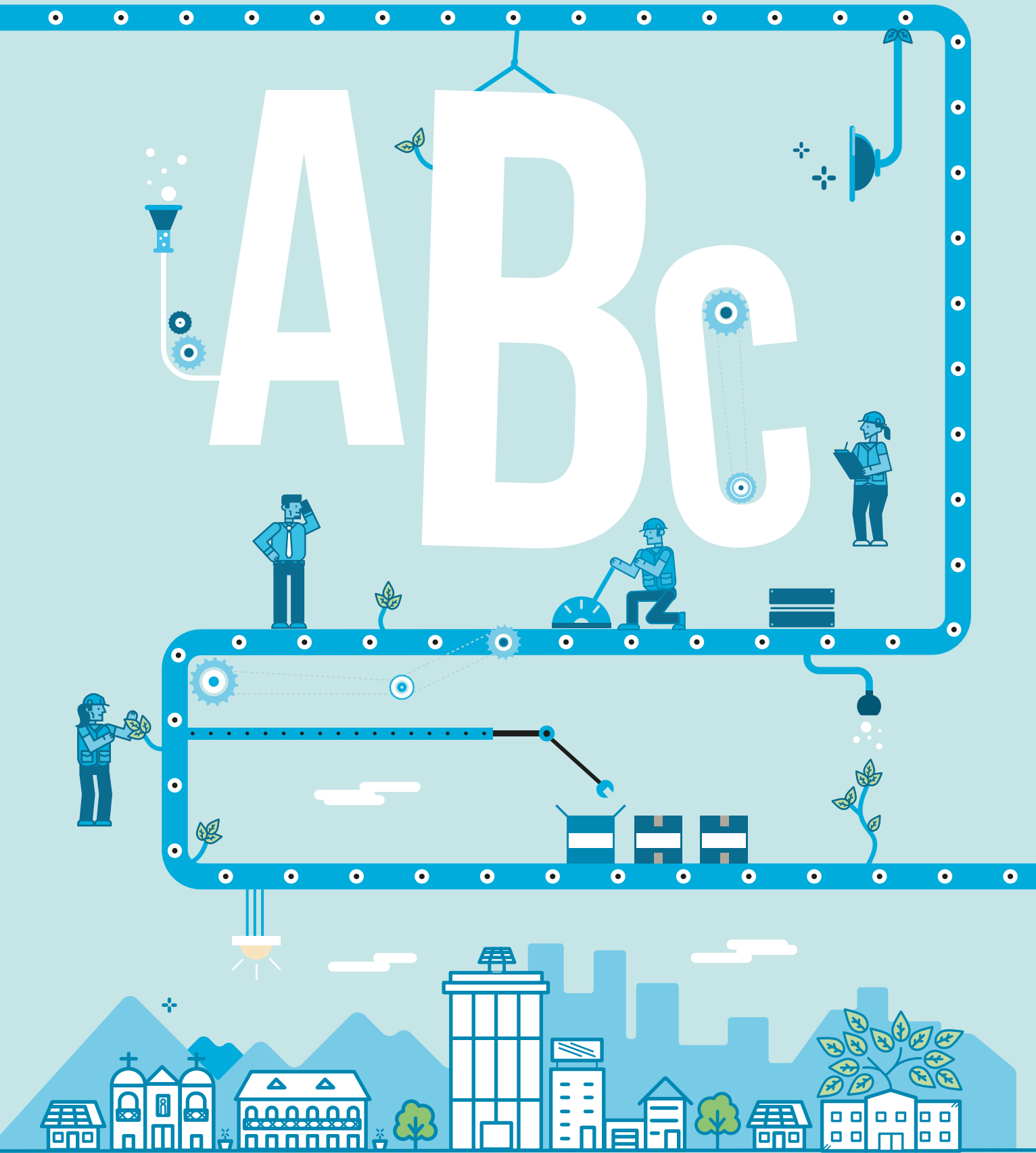


TABLE OF CONTENTS

FOREWORD
PG. 4

1 THE CREATION OF SENACE
PG. 6

The origin of environmental impact assessment

8

The creation of Senace: from a sector-oriented to a specialized assessment

10

The sociopolitical context leading to the creation of Senace

14

2 A UNIQUE AND PLURAL ORGANIZATION
PG. 18

Organizational structure of Senace

20

Institutional mission and strategic goals

26

Guidelines of Senace's institutional policy

28

3 THE JOURNEY TRAVELED BY SENACE
PG. 30

Technical and regulatory tools approved by Senace

32

Relevant activities in the implementation of Senace

34

4 ENVIRONMENTAL IMPACT ASSESSMENT
PG. 38

Environmental Licensing under Senace's purview

40

The Concurrent EIS – "IntegrAmbiente"

44

5 REGISTRIES
PG. 58

Registry of Environmental Consulting Firms

50

Registry of Environmental Licenses

52

6 CHALLENGES
PG. 54

REFERENCES
PG. 68

SENACE: BUILDING TRUST FOR SUSTAINABLE DEVELOPMENT



Environmental Impact Assessment (EIA) has more than 20 years of history in Peru, having evolved from an environmental governance model distributed into various sectorial authorities, to a concentrated and specialized model led by Peru's Environmental Licensing Agency (Senace, for its abbreviation in Spanish).

Two of the main issues faced by Environmental Impact Studies (EIS) in Peru are: 1) the lack of trust from citizens in the assessment process, and 2) the tedious and bureaucratic nature of the procedure. Senace arises from the need to find solutions to both challenges.

First, the problem of citizens' lack of trust in EIA is largely due to the environmental governance system followed in Peru until the end of 2015, in which each ministry had the authority to assess the EIS of the projects within its own sector. This raised a dilemma because each ministry had, as many perceived it, two apparently conflicting tasks: on the one hand, promoting an industrial or economic activity and, on the other hand, making a decision on the environmental feasibility of such activity.

The second issue is the need to streamline the EIA procedure and bring it closer to the citizens. The challenge involves a transition from an "encyclopedic" document (EIS contain thousands of pages of information that is sometimes of little relevance) to a useful and efficient instrument that focuses on the relevant issues and that strengthens citizen participation and generates transparency.

After some significant social conflicts during the 2011-2012 period, it became clear that the institutional and legal framework of EIA needed to be modernized to address these challenges to become a scientifically appropriate process that is both inclusive and robust.

This is the context in which the foundations to create Senace in December 2012 were laid. Since the creation of the Ministry of the Environment in 2008, Peru is consolidating the transition from a "sector-oriented" governance model into a comprehensive and focused governance model, where an independent and technical agency conducts the environmental assessment of the main investment projects in the country.

Senace, an institution attached to the Ministry of the Environment, is established as the cornerstone of the National Environmental Impact Assessment System (SEIA) in charge of the assessment and approval of the EIS of large investment projects.

Senace also has as a main task to keep a registry of the environmental consulting firms in charge of preparing EIS to make sure that such task is in the hands of specialized professionals, with the experience and probity that guarantee clear, consistent, and independent documents.

In late December 2015, after the implementation period, the authority to assess the EIS of the Energy and Mines sector (mining, oil and gas, and electricity) was transferred to Senace. This was the first sector to transfer its duties to Senace; followed by Transportation in July 2016, Agriculture in August 2017, and Solid Waste (Health) in December 2017. Thus, the tasks of assessing the EIS of all sectors will be gradually transferred to the institution until 2021, consolidating the new environmental management model.

During the last years, Senace has gradually built its institutional structure, strengthened the skills of its personnel, coordinated efforts with the ministries and other environmental authorities from different government levels, and developed technical guidelines to address the enormous challenges that it faces. These initiatives are aimed at guaranteeing an efficient, rigorous, and transparent EIA process.

This publication explores the grounds behind the creation of Senace, the main accomplishments up to date, the challenges found during the first 24 months of operation, and those which still lie ahead in order to make sure that EIS better contribute to Peru's sustainable development. For the sake of clarity, this publication will refer to EIA as the administrative procedure to evaluate specific EIS under the purview of Senace. References to EIS are limited to detailed environmental impact studies, as known in Peru, which are exhaustive and robust instruments applicable solely to megaprojects.

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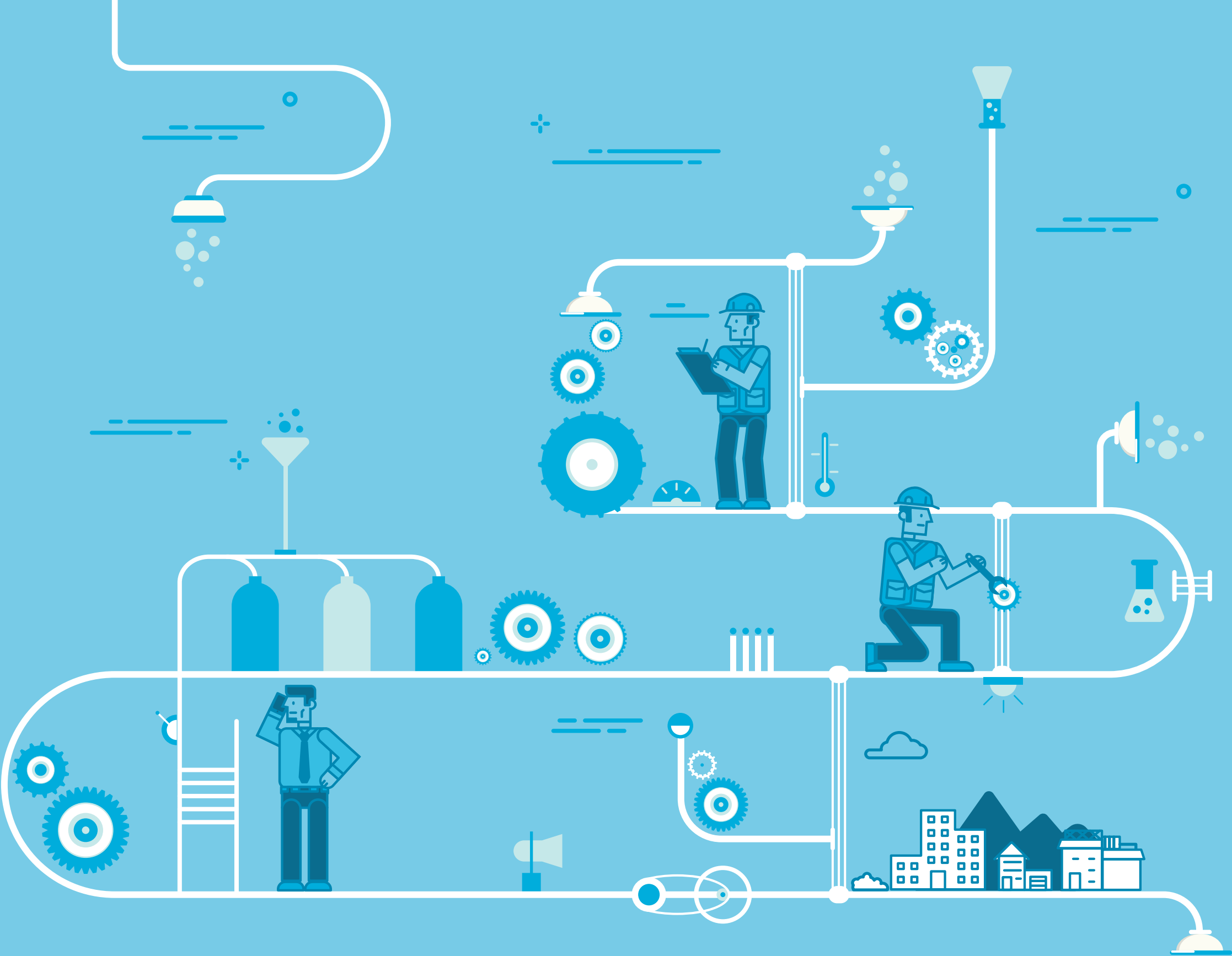
Patrick Wieland
Executive Director of Senace

01

THE CREATION OF SENACE

An EIA is a complex technical and participatory process. EIS are documents prepared by environmental consulting firms retained by the project proponents and are subsequently assessed by the State. EIS are intended to identify the positive and negative impacts expected from the implementation of an investment project, and to put in place measures to manage and mitigate them, whilst involving citizens in an effective and participatory manner.

The creation of Senace in 2012 sets the most recent milestone on the journey to achieve EIA processes that are more participatory and efficient and thus help deliver more rigorous and complete EIS. To understand how we reached this point, it is useful to review the origins of EIA and its evolution process in Peru.



THE ORIGINS OF ENVIRONMENTAL IMPACT ASSESSMENT

The EIA has its origins in the concern about the **mitigation of the adverse environmental and social effects of economic activities.**

Since the mid-twentieth century, citizens, companies and governments started designing projects based on systematic management models that help to prevent environmental damage. In the 1960s, in Europe and in the United States, warnings about the effects of human activities on the environment encouraged the interest in studying environmental impacts and finding ways to prevent them.

The EIA emerged as a response to this interest in mitigating the adverse environmental effects of economic activities. The EIS was formalized for the first time in the United States, in the National Environmental Policy Act (NEPA) enacted in 1970.

With that milestone, the national legislation of many countries, as well as international environmental law, adopted the EIS as the main management instrument to prevent and

manage the adverse environmental impacts of human entrepreneurship¹. New Zealand, Australia and Canada continued to align with this vision. In the 1980s, the European Community approved the Directive 85/337/CEE (later amended by Directive 97/11CE) that helped consolidate member countries EIA legislation.

From a regional perspective, the institutionalization process of the EIA in Latin America was originally aimed at meeting the requirements for the credit granting by international financial institutions such as the Inter-American Development Bank (IDB) or the World Bank. The first country to incorporate it in its Code of Natural Resources was Colombia (1973), followed by Mexico (1978), Brazil (1988), Peru (1990), Venezuela (1992), Bolivia (1992), Paraguay (1993), Chile (1993), Honduras (1993) and Uruguay (1994).



THE CREATION OF SENACE: FROM A SECTOR-ORIENTED TO A **SPECIALIZED ASSESSMENT**

The key aspect in this process towards a specialized assessment model **has been the planning and preparation work put in place prior to the startup of operations.**

An EIA requires three main stakeholders: the project proponent, the citizens who participate, and the State that verifies its environmental and social suitability. The State plays a key role in the environmental governance model adopted by Peru for the EIA processes, because it grants the environmental certification (that is, the administrative approval) of an investment project, so that it meets the high technical standards of impact mitigation, and protection of citizens' rights to health and a healthy environment.

The Code of the Environment and Natural Resources of 1990 formalized this role, and it set forth that any work or project activity, whether public or private, which may cause unacceptable environmental damage, requires an EIS subject to State approval.

At the beginning, Peru adopted the "sector-oriented model" to deal with the EIA pro-

cess. In 1991, Article 51 of Legislative Decree "Framework for the Growth of Private Investment" established that the competent sector (ministry) authority was responsible for approving EIS; this model continued in Peru until the end of 2015 (when Senace began operations). Thus, the various ministries approved their own sector-oriented regulations and norms² that controlled, among others, the technical procedures and criteria of the EIS for the projects under their scope. One consequence of this governance scheme was that the environmental regulation was energized, but often at the cost of disjointed and inconsistent criteria and rules.

In 2001, the SEIA was created to articulate the procedures and treat EIA homogeneously across sectors³. This rule set out a consistent procedure that comprises the requirements, stages and scope of all EIA processes applicable to investment projects, and which, in turn, has mechanisms that ensure

citizen participation. In 2009, this entire process –from a sector-oriented approach to a more consistent and participatory “cross-sectorial” management– moved forward more strongly with the regulations of the SEIA Act⁴ which requires a progressive adaptation of all sectors.

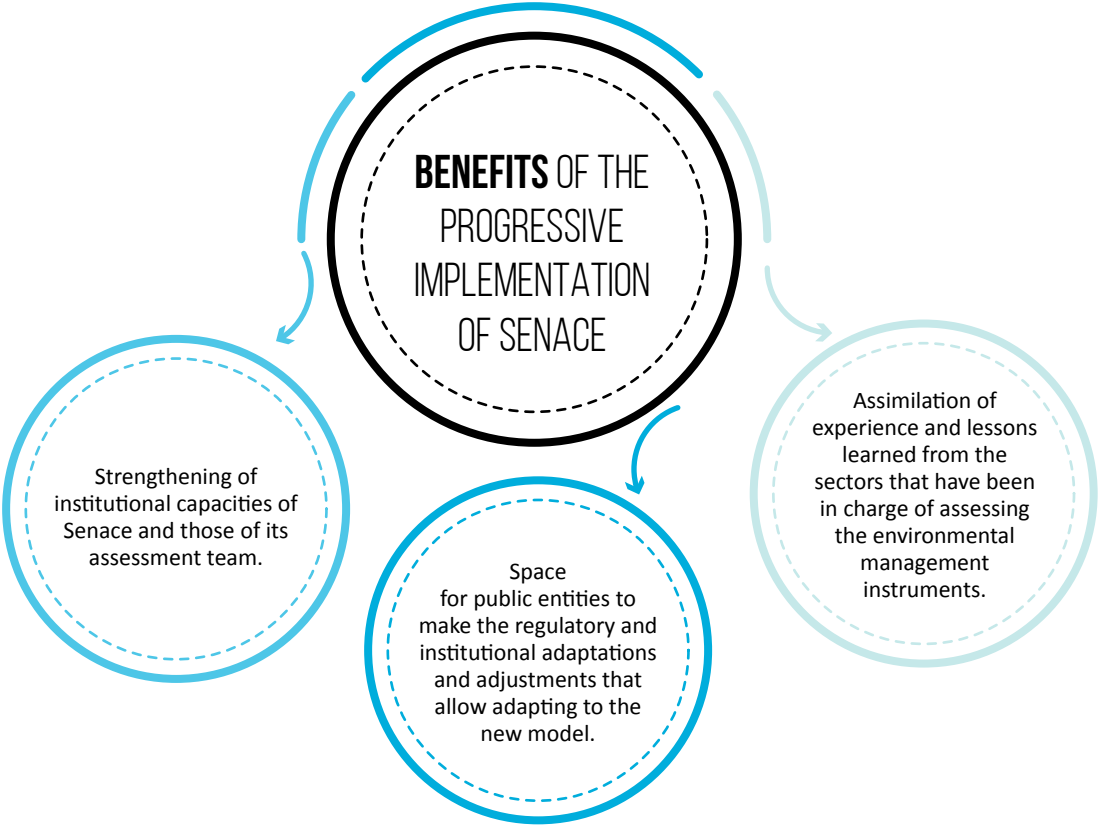
Senace was created three years later, in 2012⁵, and it represents a major step in the path towards ensuring EIS with increasingly sound technical criteria and assessed rigorously, independently and in the most participatory manner. Thus, the emergence of Senace involved closing the “sector-oriented” and progressively moving towards a model in which a single specialized and independent agency is in charge of all EIS. In addition, this follows the regional trend to have ad hoc environmental agencies, such as the Brazilian Institute of the Environment (IBAMA for its abbreviation in Portuguese), Chile’s Environmental

THE CREATION OF SENACE PROMOTES THAT A SINGLE SPECIALIZED AND INDEPENDENT AGENCY CONDUCTS THE ENVIRONMENTAL IMPACT ASSESSMENT OF THE LARGEST INVESTMENT PROJECTS IN PERU.

Assessment Service (SEA for its abbreviation in Spanish), and Colombia’s National Authority of Environmental Licenses (ANLA for its abbreviation in Spanish).

A key issue in this transition process is the decision to move forward in a progressive and planned manner. Senace was created in December 2012 but it started operating towards the end of 2015, following a transfer schedule⁶ that allows the progressive strengthening of the EIA processes of each sector in an orderly fashion. Furthermore, Senace was created with the initial objective of focusing on the national or multi-regional investment projects that entail significant environmental impacts.

From 2015, in order to strengthen this new institutional scheme, the Peruvian Congress creates the Concurrent EIS –also called “IntegrAmbiente”- to be implemented by Senace⁷.



This tool integrates and streamlines a set of environmental permits during the EIA process, so that they can be issued and evaluated simultaneously, thus ensuring standardization while reducing the permitting timelines.

The Concurrent EIS, winner of the 2017 Award for Good Public Management Practices⁸, complements the process towards a more specialized and legitimate EIS, but it also raises important challenges to ensure that all the public institutions involved in the EIA articulate efficiently.

THE SOCIOPOLITICAL CONTEXT LEADING TO THE CREATION OF SENACE

The challenges of streamlining the environmental assessment process and **regaining the citizens’ trust in the EIS required considering a specialized entity such as Senace.**

In the years before the creation of Senace, the institutional structure and legal framework for environmental and natural resources management in Peru had made significant progress; however, there were still outstanding challenges. According to the World Bank "the environmental sector-oriented management had been developed unequally between sectors"⁹. In general, each sector had established its own criteria, which had been harmonized in a progressive but incomplete and dissimilar manner.

During that period, a major challenge was to ensure compliance with legal time limits in the EIA processes. This issue originated for different reasons, such as those related to budget and interinstitutional coordination, but also due to studies submitted with deficiencies subject to many objections. A paper estimated that, on average, the assessment of an EIS, on top of the time to obtain additional permits, may take up to 900 days^{10 11}.

In addition to the challenge of ensuring appropriate assessment timelines, the context of social conflict at the time was also a catalyst to the idea of having a specialized entity that may legitimate EIA processes. According to the Monthly Report on Social Conflicts prepared by the Ombudsman’s Office, as of June 2012 there were 247 social conflicts in total throughout the country, and 60% of the recorded total was referred to social and environmental issues¹².

In many of these cases, the legitimacy of the EIS was questioned. According to Valdéz Muñoz, a sector is perceived as "judge and jury in its environmental management"¹³, in reference to the assessment of these instruments by the ministries which are also in charge of promoting investments. The lack of trust in the instrument caused a knock-on effect for which some groups of citizens could call into question its application and enforceability levels¹⁴.



In that context, the Executive Branch created a Multi-sector Commission¹⁵ in charge of preparing regulatory proposals and policies aimed at improving the environmental and social conditions under which economic activities are developed, particularly extractive industries. This commission was made up of the President of the Council of Ministers and the Ministers of the Environment, Development and Social Inclusion, Agriculture, Economy and Finance, Energy and Mines, Culture, Health and Production. At the same time, the Executive Branch submitted to the Congress Bill No. 1461-2012, which proposed the creation of Senace, as an entity in charge of reviewing and approving the EIS. In October of the same year, the Multi-sector Commission submitted, as an end product, the report called “Strategies of environmental management”¹⁶, in which it set objectives and actions intended to strengthen and improve the environmental and social approach for development.

THE CREATION OF SENACE IS THE FIRST STEP TOWARDS INDEPENDENT AND SPECIALIZED ENVIRONMENTAL MANAGEMENT, WITH A VIEW TO REGAINING CREDIBILITY AMONG THE POPULATION WITH RESPECT TO EIS.

One of the most important conclusions of the Multi-sectorial Commission was the need to strengthen the environmental management mechanisms and instruments for the State to guarantee the environmental and social sustainability of investment projects. The proposal was to create and implement, in a progressive manner, an entity in charge of the review and approval of the EIS of projects at the national and multi-regional level. This proposal materialized with the Congress’ approval of the creation of Senace¹⁷. The support for this proposal and for the creation of Senace was broad, including organizations of the civil society that considered it the first step towards independent and efficient environmental management¹⁸, with the objective to regain



SENACE

credibility among the population and the citizens with respect to the environmental impact assessment¹⁹

This process to create and consolidate Senace has earned international support. The Organization for Economic Co-operation and Development (OECD) and the Economic Commission for Latin America and the Caribbean (ECLAC) recommended in their report “Environmental Performance Review of Peru 2016” to continue with the

strengthening and implementation process of Senace, to facilitate efficient and independent environmental management through a one-stop shop system and become the technical reference of EIS²⁰. In this respect, a key issue is to achieve financial sustainability to guarantee that the services that it provides are timely, rigorous and efficient. Likewise, the Human Rights Committee of the United Nations has recognized that Senace “is putting a greater emphasis on the social aspects of the EIS”²¹. ●

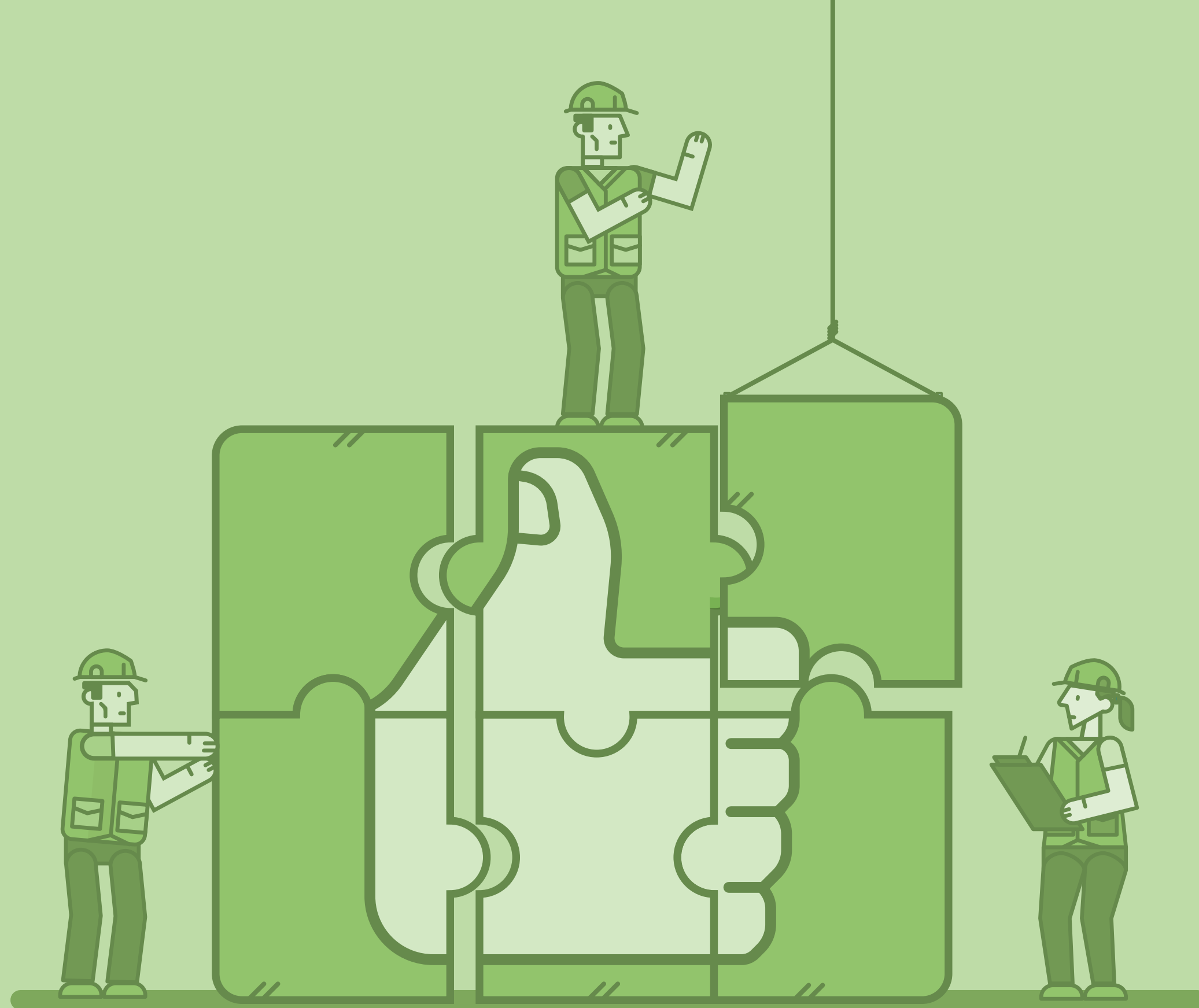
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A UNIQUE AND PLURAL ORGANIZATION

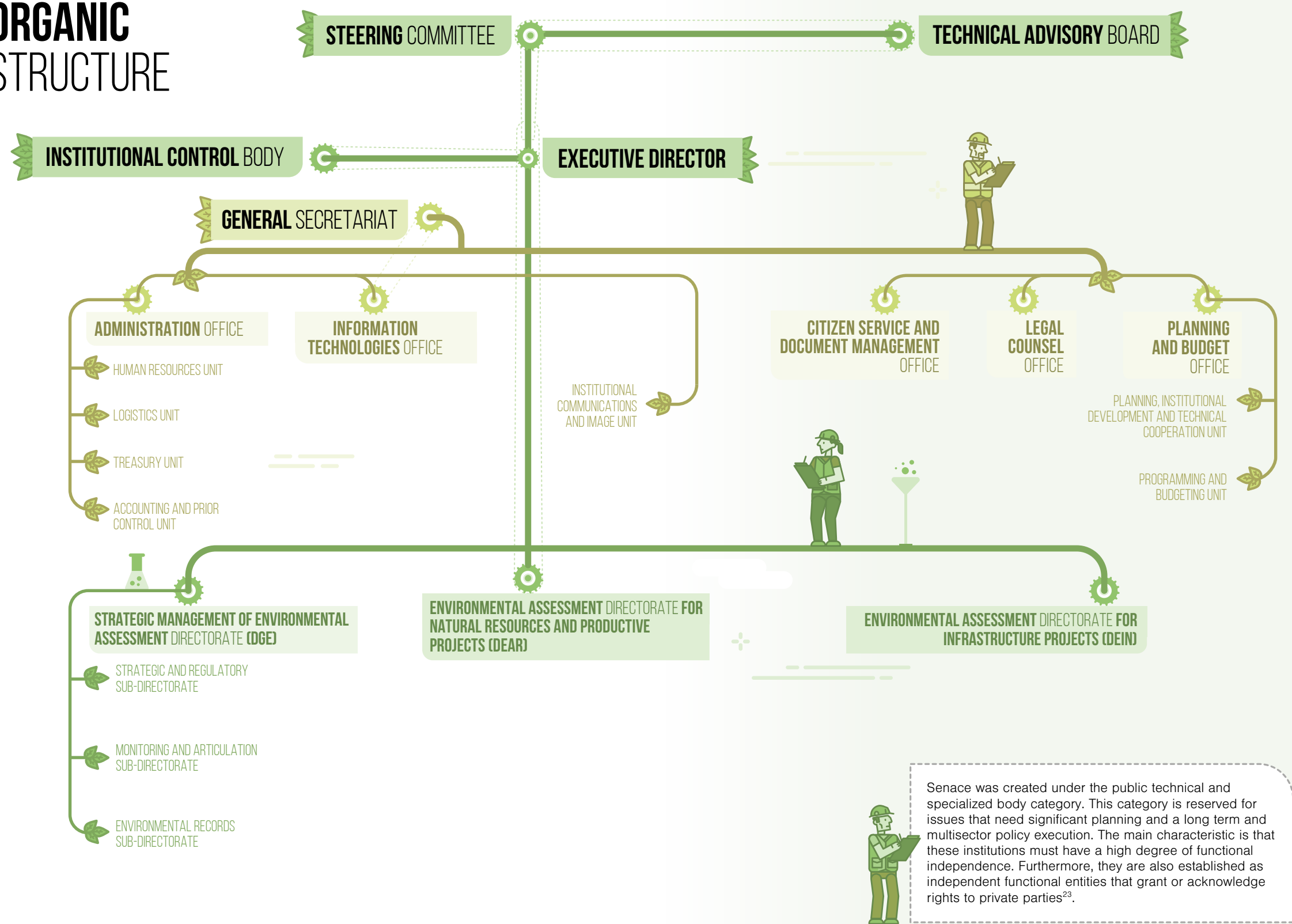
How an institution is organized is essential to understand its purposes, how it plans to fulfill them and foresee its development. In this respect, Senace has an advantage: its organization, mission and guidelines have been developed over a period of three years, in a planned and progressive manner, addressing its challenges and learning from the lessons of the EIA under the sector-oriented model.

Furthermore, since its inception, Senace has been implemented following the policies of public sector modernization²² and meritocratic management. The main purpose has been to obtain higher efficiency of the state apparatus to provide high quality services to the citizens, prioritizing and streamlining the use of public resources.




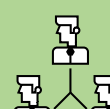




Senace's organizational structure and its duties are explained below, as well as the institutional policy guidelines and their major objectives.

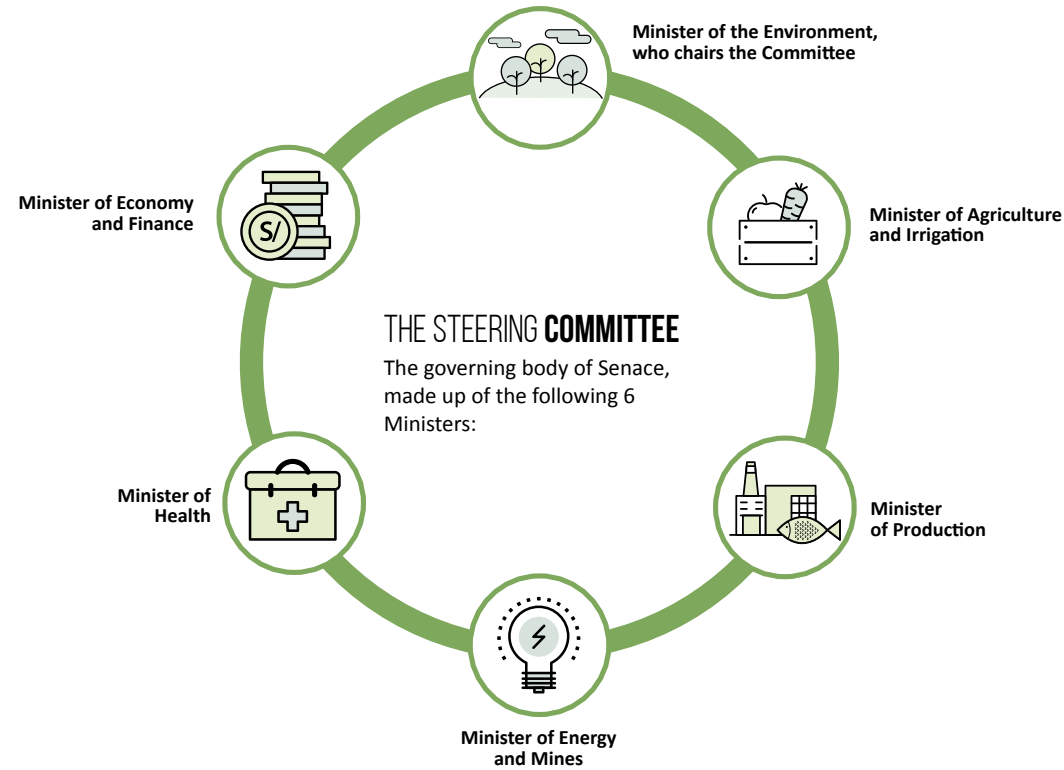


ORGANIC STRUCTURE



ROLE OF SENACE

-  To evaluate EIS.
-  To approve the classification of EIS within the framework of the SEIA.
-  To assess and approve the Concurrent EIS, as well as its updates, modifications and amendments.
-  To coordinate with all the institutions related to the Concurrent EIS for the issuance of the license within the established deadlines.
-  Shared use and supervision of the preparation of the environmental and social baseline.
-  To administer the Registry of Environmental Consulting Firms and the Registry of Environmental Certifications.
-  To implement the Environmental Certification One-Stop Shop mechanism.
-  To prepare proposals for the continuous improvement of the EIA process, including government coordination mechanisms and the good practices on community relations and public participation²⁴.



The Steering Committee is the governing body of Senace. Its composition shows the political commitment of the Peruvian Government to include the environmental dimension in public policies with the highest standards.

The Steering Committee plans, directs and supervises the role of Senace and holds an ordinary meeting at least once every semester. Its role is to accompany and guide the Executive Director of Senace, as well as to approve some instruments and rules that are vital for its operation.

The Executive Director is the highest executive authority and exercises the legal representation of the institution. Its appointment is entrusted to the Steering Committee and its designation is subject to objective selection mechanisms.

Senace has a Technical Advisory Board that issues an opinion on the matters relevant to the authority of Senace, and its reports are illustrative in nature. It performs its functions ad honorem and consists of five specialists of recognized experience in matters related to development projects and investments.

SENACE HAS A TECHNICAL, AD HONOREM ADVISORY BOARD THAT ISSUES NON-BINDING OPINIONS AND REPORTS ON PUBLIC PARTICIPATION MATTERS.

01

ENVIRONMENTAL ASSESSMENT DIRECTORATE FOR NATURAL RESOURCES AND PRODUCTIVE PROJECTS (DEAR)

The people who make up this board come from the academic and business world and from the civil society to ensure a diversity of perspectives²⁵.

Furthermore, Senace has three core organizational units: two of them are fully focused on conducting the administrative procedures of EIS, and the third one has the exclusive purpose of maintaining a strategic vision that allows the continuous improvement of the institution:

This body oversees the evaluation of the EIS and the Concurrent EIS (IntegrAmbiente) of investment projects for the use and transformation of natural resources and productive activities, such as mining, electrical, oil, agricultural or industrial projects. In addition, it evaluates other related procedures such as classification requests for EIS, modification requests and updates.

02

ENVIRONMENTAL ASSESSMENT DIRECTORATE FOR INFRASTRUCTURE PROJECTS (DEIN)

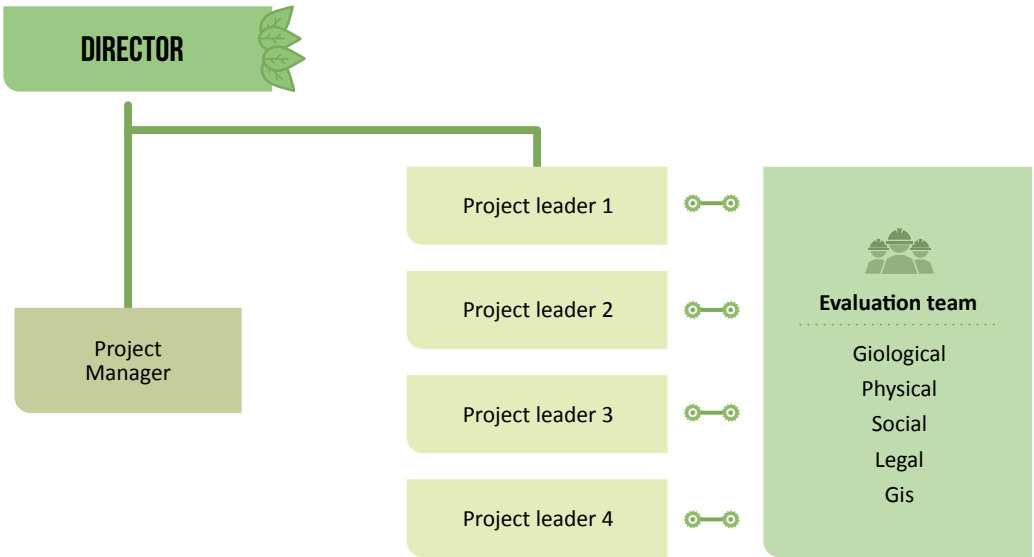
This directorate oversees the evaluation of the EIS and Concurrent EIS (Integrambiente) for infrastructure investment projects and others economic activities. DEIN focuses on projects such as roads, railways, ports, airports, transmission lines, among others.

Matrix Organization

In accordance to the principle of continuous improvement, since 2018 Senace adopted the matrix structure in DEAR and DEIN²⁶. The new working model is based on the Projects Managers, Projects Leaders, Evaluation Teams

and Specialized Technical Groups, who perform their roles in a collaborative and horizontal manner. The Project Leaders manage and coordinate the Evaluation Teams to assess each EIS, whilst the Project Manager ensures the optimal use of personnel and resources. Meanwhile, the Specialized Technical Teams ensure the application of uniform technical criteria.

This new structure will allow the EIA teams to provide a more efficient and citizen-oriented service, through permanent teamwork, with technical quality and close monitoring of deadlines, with greater response capacity and resource optimization. In this way, Senace became the first environmental authority to adopt this approach, which has been successfully implemented in other organizations around the world.



03

STRATEGIC MANAGEMENT DIRECTORATE (DGE)

This Directorate leads the optimization processes of the SEIA, in harmony and articulation with current environmental regulations.

To fulfill Senace's functions, strategic management becomes essential. It allows Senace to anticipate to future potential projects, as well as providing information, analysis and useful tools for authorities, companies and citizens involved in environmental certification. In addition, it is responsible for the analysis of the information resulting from the certification processes to propose improvements in procedures, as well as developing indicators to promote the continuous improvement of the processes under the responsibility of the institution.

This directorate is responsible for three sub-directorates:

- **Strategic Projection and Regulations Sub Directorate** is in charge of carrying out analysis and research in EIA generating and managing information, statistics and/or other instruments necessary to formulate technical-regulatory proposals and improvements to the current regulatory framework for processes that Senace carries out.

- **Monitoring and Articulation Sub Directorate**, is in charge of articulating with the entities of the three levels of government and private sector aspects related to EIA processes under Senace's purview, as well as promoting actions linked to socio-environmental conflicts monitoring. It is also the responsible of the designing and managing of the Environmental Certification One Stop-Shop.

- **Environmental Records Sub Directorate** oversees the administration of the Environmental Consulting Firms Registry and the Environmental Certification Records of national and multiregional scope; as well as the promotion of the good performance of the environmental consulting firms.

INSTITUTIONAL MISSION AND STRATEGIC GOALS

The mission of Senace is oriented toward citizen service, which implies **an efficient, effective and timely response from its processes.**

Senace's institutional mission is:

"To provide a licensing service for environmental impact studies of investment projects on a timely, transparent and reliable basis with technical quality, which promotes the sustainable development of the country."

Senace, in view of the State modernization policy, is oriented toward serving the citizens, which involves optimizing processes so that they allow an efficient, effective and timely response to their requirements.

The institutional strategic goals derive from the mission and guide Senace's management toward the achievement of the strategic goals of the environmental sector. The strategic goals of Senace are:

01 TO PROMOTE THE SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES THROUGH THE ENVIRONMENTAL LICENSING OF INVESTMENT PROJECTS

Senace, through the environmental licensing of investment projects, promotes the sustainable management of natural resources; encouraging the prevention and reduction of negative impacts and intensifying the positive impacts of interventions on the environment and the society.



02 TO ENSURE EFFECTIVE COORDINATION WITH PRIORITIZED STAKEHOLDERS

Senace is responsible for setting the appropriate scenario for the development of investment projects through articulated work with the various government levels, overseeing the

relation between communities and the project proponents within the area of influence of the project, and improving the social and environmental standards as well as the conflict prevention and management mechanisms based on public participation. ●

GUIDELINES OF SENACE'S INSTITUTIONAL POLICY

The Steering Committee of Senace, as the governing body of the institution, approved the following general strategies that must guide its institutional development²⁷:



A.

To provide an efficient, timely and predictable environmental licensing service for investment projects, which builds trust and credibility with citizens

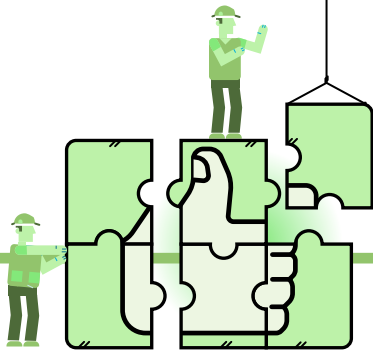
To ensure that the preventive nature of the EIA is met, Senace develops a smooth and modern public management. The ultimate purpose of this management is to ensure a rigorous and transparent assessment process that builds citizen trust through the continuous improvement of the services it provides, the incorporation of good international practices, and the compliance with social and environmental sustainability standards.



B.

To strengthen the environmental institutional structure and the coordination with the various government levels to contribute to the sustainable development of the country

The correct and timely application of the legal and technical regulations within the framework of the SEIA strengthens the environmental institutional structure, which makes Senace an important focal point for the development of sustainable investments in the country. For that purpose, Senace contributes to the effective protection of the environment through the environmental certification process for investment projects. The coordination of Senace with other public entities from the three government levels will facilitate the achievement of common public policy objectives concerning environmental matters, which are developed based on the establishment of channels or synergies required for their implementation. For that purpose, strategic partnerships are prioritized at a national and regional level, as well as the generation of links for communication and exchange of information that contribute to this process.



C.

To strengthen the institutional culture, capabilities and skills of the personnel for a better service to citizens

Senace is constantly seeking the commitment of its workers with the institutional objectives and values. The institutional strengthening will ensure the development of its team's capacities and of the instruments required for the optimal fulfillment of its mission. To achieve such purpose, Senace seeks engagement with its counterparts with similar objectives and international prestige, which, under cooperation agreements or the like, contribute to the institutional strengthening of the personnel's capabilities and skills, including the acquisition of new assessment methodologies for environmental impact studies. Furthermore, the adoption of Information and Communication Technologies is relevant for the development of Senace's activities, so the development of IT support for the Concurrent EIS is a priority of this process.

D.

To strengthen transparent management with timely accountability and informed public participation

Senace gives priority to transparency, access to public information, citizen participation, and the accountability of its management, building trust from the users of its services, the related public and private entities, and citizens in general. Thus, Senace, through effective mechanisms such as dialogue and with duly informed public participation, contributes to preventing social and environmental conflicts to promote environmental governance.



03

THE JOURNEY TRAVELED

Considering the technical nature required for this new organization, it was deemed appropriate that there be a previous implementation period before the transfer of duties, a sui generis step in the creation of specialized technical agencies. The purpose was for Senace to have trained personnel, approved public management instruments, and the goods, services and economic resources required to perform efficiently the functions entrusted.

During the 2012-2015 period, Senace has built its institutional structure gradually, strengthening the professional skills of its personnel, the coordination with other authorities at different government levels, and developing technical guidelines to ensure an effective and transparent assessment process.

For the implementation process of this new agency, some stages were established²⁸ which were governed by the principles of preclusion, predictability, transparency, capacity building, and gradualness.



TECHNICAL AND REGULATORY TOOLS APPROVED BY SENACE

Since 2012, Senace has approved various rules, guides and guidelines to fulfill its institutional mission.

Senace has a general environmental regulatory framework that corresponds to SEIA and specific rules that have been issued by each sector. Gradually, the institution seeks to complement this regulation through guides and manuals for the preparation and assessment of the EIS.

To date, Senace has approved rules, guides and guidelines that are mainly aimed at standardizing criteria, improving the quality of the EIS, implementing the administrative simplification, promoting public participation, and fostering ethics in public service, among others.

STANDARDIZATION OF CRITERIA: To promote the technical and objective assessment of the EIA and build citizen trust, Senace approved the following technical and regulatory instruments:

- **Criteria** for the matrix structure implementation in Senace²⁹.
- **Complementary measures** for the preparation of EIS ³⁰.
- **Manual of Appropriate Source Referencing** in the writing up of EIS ³¹.

- **Field Work Protocol** for the Senace specialists³².
- **EIA Manual** for the Mining sector³³.
- **EIA Manual** for the Oil & Gas sector³⁴.
- **EIA Manual** for the Electricity sector³⁵.
- **Checklist Methodology** for mining, roads, electricity, ports and oil & gas projects.
- **Guideline** that promotes the indivisibility principle in the EIA process³⁶.
- **Guideline** for the Incorporation of Climate Change Mitigation and Adaptation within the EIA.

QUALITY OF THE EIA: For this purpose, it is necessary to ensure the suitability of environmental consulting firms, so that they meet the minimum requirements of experience, specialization and probity. Thus, Senace approved the following:

- **The progressive implementation of quality management systems** of the environmental consulting firms that are part of the Registry of Environmental Consulting Firms of Senace³⁷.

- **The minimum conformation of multidisciplinary professional teams** for those firms that want to register with the Registry of Environmental Consulting Firms³⁸.

ADMINISTRATIVE SIMPLIFICATION: With the implementation of the digital platform of the Environmental Certification One-Stop Shop, managing the procedures online and in real time under Senace's responsibility is possible, which streamlines the times and EIA processes ; in that respect, the institution approved the following instruments:

- The IT application for the procedure of registration in the Roster of Specialists of Senace³⁹.
- The the IT Platform called "EVA" which will replace existing platforms.

Moreover, in September 2017, Senace got IN-DECOPI's recognition for the elimination of bureaucratic barriers.

PROMOTION OF PUBLIC PARTICIPATION: Senace places emphasis on the efficacy of the participation mechanisms proposed by the holder, so that they are effective. Thus, Senace approved the technical and regulatory document called "Social Management Tools for Environmental Certification"⁴⁰, "Guide for the Preparation of the Executive Summary of the EIS in audiovisual version"⁴¹, the "Guidelines to Promote Women Participation in the Environmental Certification Process"⁴² and the "Roadmap with Indigenous Peoples"⁴³.

ETHICAL GUIDELIENES: To promote an appropriate and ethical behavior of its workers, Senace has approved the following rules:

IN THE LAST THREE YEARS, SENACE APPROVED GUIDELINES TO STANDARDIZE CRITERIA, IMPROVE THE QUALITY OF THE EIS AND SIMPLIFY PROCEDURES.

- **Protocol of conduct** for holding technical meetings of Senace⁴⁴.
- **Code of Ethics** of Senace⁴⁵.
- **Internal Regulations** for Civil Employees of Senace⁴⁶.
- **Declaration of interests** for the civil servants of Senace.

Since 2017, Senace has begun the implementation of the ISO 37001 – Anti-bribery Management System, a new standard which seeks to promote an ethical culture within the organization and strengthen the prevention, detection and appropriate management of criminal bribery behavior.

TRANSPARENCY: Senace has been making multiple efforts to carry out an EIA transparently, such as:

- Dashboard
- Environmental consulting firm performance indicators
- Open Data Portal
- Senace APP for mobile devices
- Senace Open Doors events. ●

RELEVANT ACTIVITIES IN THE IMPLEMENTATION OF SENACE

Senace works in the strengthening of its capabilities, in improving interinstitutional coordination and in creating space for dialogue with its various stakeholders.

CAPACITY STRENGTHENING

Senace's nature is to be a technical body specialized in the assessment of EIS and, for that purpose, it is essential to have a team of well-trained professionals.

- The strengthening of capabilities undertaken by Senace seeks to promote the integral development of its personnel with respect to EIA and, as a result, the development of the organization.
- Promoting and strengthening technical knowledge, with the adoption of international standards and practices, according to each sector, for a better performance of the EIA process.
- Standardization of the process and reduction of discretion in the EIA process.

In that respect, capacity building in Senace's implementation process has been oriented towards increasing the personnel's knowledge about highly specialized technical aspects.

INTERINSTITUTIONAL COORDINATION MECHANISMS

For Senace's implementation process to be successful, it is essential to improve the interinstitutional coordination, taking into consideration that various authorities take part in the EIA process by issuing technical opinions.

Therefore, as part of the coordination activities to streamline procedures, to obtain information in a timely manner, and to meet the legal deadlines, Senace proposed agreements and the development of work plans with strategic organizations in order to specify commitments and obligations within the framework of the SEIA and of the Environmental Certification One-Stop Shop.

The purpose is to guarantee the institutions' commitment in the following aspects:

- Coordination for EIS evaluation;



- Exchange of information of mutual interest;
- Performance of their respective functions, within the framework of the Environmental Certification One-Stop Shop;
- Promotion of the use and application of information technologies;
- Establishment of specialized work groups that promote the exchange of experiences and training;
- Interoperability between Senace and the expert and authoritative organizations.

Senace has executed interinstitutional cooperation agreements with various public entities including those specialized in forests, water, health, interculturality, protected natural areas, among other matters. Most of them are key technical experts during the environmental licensing procedures, but there are also agreements with institutions of the civil society that provide support in technical and legal matters⁴⁷.

ORIENTATION TOWARDS DIALOGUE

Senace is aimed at guaranteeing the development of sustainable investments; thus, it is oriented towards ensuring a balance between investment and the environment.

The institution has adopted a flexible management scheme to adapt to the various stakeholders that participate in the EIA process and coordinate with them on a timely basis, open to dialogue and to listen and understand their needs.

As part of its rapprochement strategy with key stakeholders, Senace has created spaces for dialogue with the various stakeholders: business associations, chambers of commerce, universities, professional associations, organizations and associations linked to environmental and indigenous issues.

Furthermore, it is committed to a more effective public participation, sustained through three important pillars: accessibility, transparency and inclusion. The citizen participation actions, such

**TO ACHIEVE ITS GOALS, SENACE
HAS EXECUTED VARIOUS
INTERINSTITUTIONAL COOPERATION
AGREEMENTS WITH STRATEGIC
ORGANIZATIONS**

as Early Social Engagement, the Road Map with Indigenous Population and the Educational Videos on EIA, were recognized by the Peruvian NGO “Ciudadanos al Día” as a good public management practice in 2017.🍌



04

ENVIRONMENTAL IMPACT ASSESSMENT

The EIA process studies the activities and components of a project, making it possible for the authority to make decisions to identify, anticipate and minimize adverse impacts. In addition, it ensures adequate environmental management measures are put in place to promote sustainable development.



ENVIRONMENTAL LICENSING **UNDER SENACE'S PURVIEW**

Senace is the authority in charge of evaluating **the EIS of large investment projects**.

In Peru, every individual or legal entity, public or private, national or foreign, which intends to develop an investment project that may generate significant negative environmental impacts, must obtain the approval of an EIS first.

Based on the significance of the negative impacts, investment projects may be classified as category I, II or III.

This is relevant because it determines the depth of the analysis that the environmental management instrument will have. When the project is classified as category III⁴⁸, a complete EIS will be required, in which case Senace will be responsible for its assessment.

The category III instrument or complete EIS is an environmental management instrument that provides details of the activities and components of the project proposed, at the feasibility level, which allows Senace to require

the appropriate management measures to minimize adverse impacts, thus constituting a key mechanism to promote sustainable development.

The processes and activities related to the assessment of the EIS under the responsibility of Senace are briefly described below.

CLASSIFICATION AND APPROVAL OF TERMS OF REFERENCE OF THE EIS

The classification of a project and the determination of the relevant aspects correspond to the first phase of the environmental assessment.

The project proponent recommends a certain category to Senace during the classification process so that Senace confirms the proposed category and approves the Terms of Reference.

In addition, Senace approves the Environmental Affidavit (DIA for its abbreviation in Spanish) where projects qualify as category I, as a result



of the classification procedure⁴⁹.

In 2017 Senace published the “Guide for the elaboration of Preliminary Evaluations” in the Infrastructure sector to guide the project proponents and environmental consulting firms in how to prepare an adequate Preliminary Environmental Assessment (EVAP) of infrastructure projects.

EVALUATION AND APPROVAL OF THE PUBLIC PARTICIPATION PLAN PRIOR TO THE SUBMISSION OF THE EIS

The Public Participation Plan describes the participation mechanisms aimed at informing and promoting dialogue between the company intending to develop the project, the population and the stakeholders of the areas of influence where the various investment projects are located.

Senace evaluates that the Public Participation Plan contains the appropriate mechanisms that allow the population to submit their contributions and comments to the investment project and to be served within framework of the evaluation process.

Senace is the competent authority to review and, where applicable, approve the Public Participation Plans of these instruments.

This stage is developed in accordance with the specific provisions set out in the sectorial legislation⁵⁰.

EIA BASELINE SUPERVISION

The supervision is intended to ensure the appropriate quality of the information that will be contained in the baseline study.

THE TRANSFER OF FUNCTIONS TO SENACE BEGAN IN 2015 WITH THE ENERGY AND MINING SECTORS FOLLOWED, IN 2016, BY THE TRANSPORTATION SECTOR AND AGRICULTURE IN 2017

For this purpose, the company is required to prepare a workplan and a schedule to gather information and prepare the baseline, which will allow Senace to take part during part of this stage.

This baseline supervision⁵¹ ensures greater presence of the environmental authority at an early stage of the preparation of the instrument and to help prevent further technical comments to the study.

EVALUATION OF THE APPLICATION FOR REVIEW AND APPROVAL OF THE EIS

The EIA is a participatory process, technical and administrative in nature, intended to prevent, minimize, correct and/or mitigate and inform about the potential negative environmental impacts that may arise from investment projects, as well as intensify their positive impacts⁵².

For those sectors already transferred to Senace, the institution is the competent authority to evaluate and approve the applications for review and approval of the EIS of investment projects in application of the SEIA rules, the rules approved by the sector, and those approved by Senace.

EVALUATION OF THE APPLICATION FOR MODIFICATION OF THE EIA AND THE COMPLEMENTARY TECHNICAL REPORT (ITS FOR ITS ABBREVIATION IN SPANISH) OF THE EIS

Senace is the competent authority to evaluate and approve the applications for modification of the EIS and to evaluate and approve the applications for ITS related to the investment projects⁵³.

UPDATE OF THE APPROVED EIS

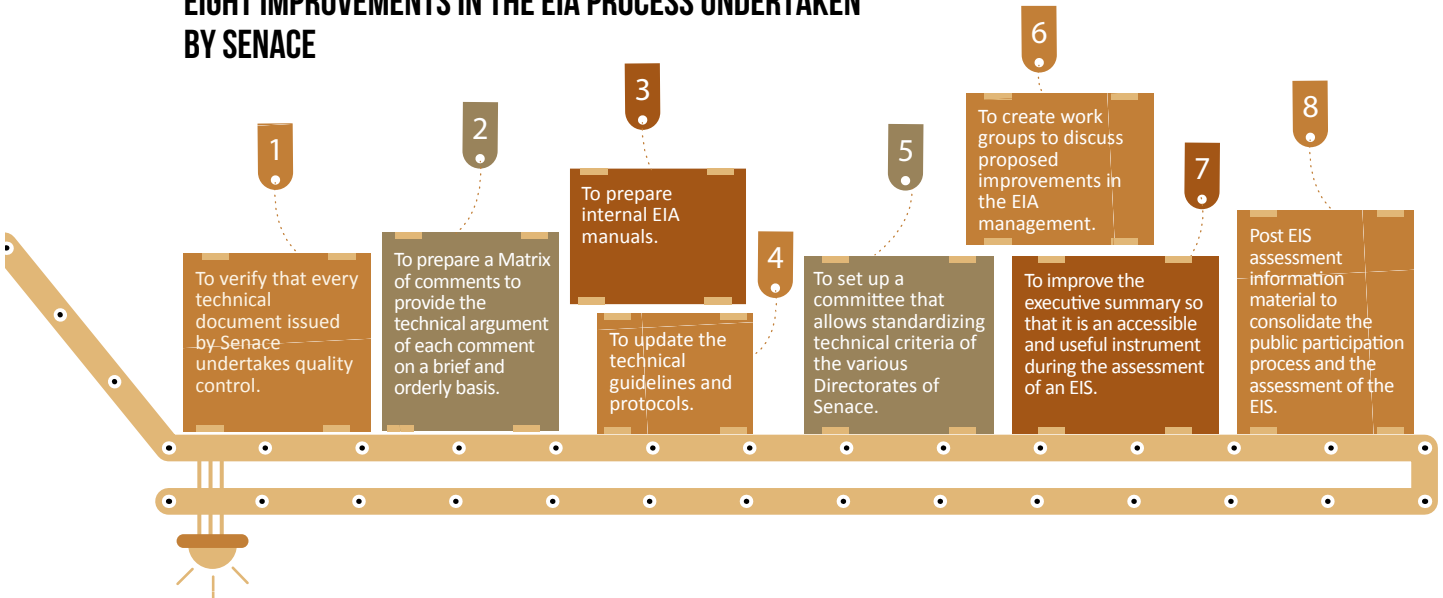
As set forth in the current regulations, from the fifth year of an EIS approved, the companies developing projects must update the environmental assessment⁵⁴, and this will be performed as provided for in the sector regulations, as long as specific rules are approved.

The purpose is to have an instrument that facilitates the follow-up of the environmental commitments contained in the environmental studies, and the exercise of the environmental supervision and enforcement functions.

SENACE IN NUMBERS

In its first two years of functions, Senace has approved 18 EIS and modifications of important investment projects associated with a

EIGHT IMPROVEMENTS IN THE EIA PROCESS UNDERTAKEN BY SENACE



CAPEX of US \$ 4.3 billion in the sectors of Mining, Oil & Gas and Electricity. All these studies have been evaluated within the legal time limit (approximately 7 months).

As of March 2018, Senace is reviewing 11 EIS or EIS modifications, associated with a CAPEX of US \$ 3.3 billion, including the expansion of Lima's Jorge Chávez international airport and the development of major projects such as Block 58.

The Senace evaluation model has allowed the EIS to be reviewed in a shorter time than

in the previous model (in which the promoter sectors conducted the EIA). According to an internal analysis, on average, Senace takes 79 fewer business days to carry out this evaluation compared to the previous model.

The real evaluation time limit of the EIS by Senace (approximately 7 months) is reasonable and comparable (or even lower) with other countries, such as Canada (9 months), Chile (18 months), Colombia (5 months), Mexico (9 months) or South Africa (12 months). ●

CONCURRENT EIS – “INTEGRAMBIENTE”

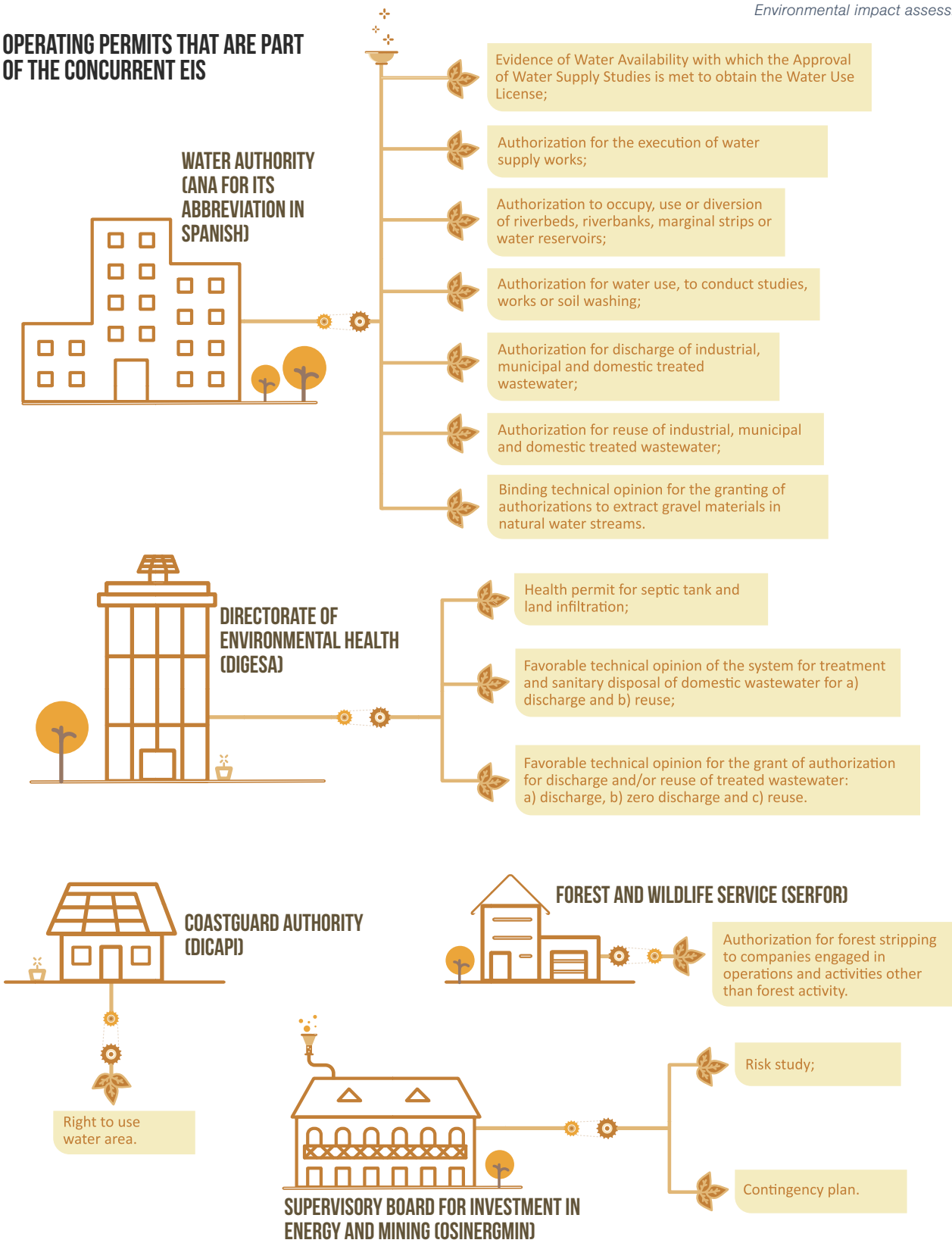
The Concurrent EIS represents a change in the environmental permitting model, which seeks efficiency **in the administrative processes without compromising environmental quality**.

The SEIA and the “traditional” EIA process were designed so that the approval of the EIS does not include the granting of any other permit, authorization and/or license authorizing the execution of an investment project. Upon the enactment of the “Act on Investment Promotion for Economic Growth and Sustainable Development”⁵⁵, the Concurrent EIS, also known as “IntegrAmbiente”, was created. This type of procedure streamlines the time of project proponents, making the whole regulatory process more efficient, and ensuring the quality of the environmental certification procedure whilst consolidating the procurement of various permits, licenses and authorizations, in a single administrative act.

The Concurrent EIS is defined as the administrative act issued by Senace in which the EIS is approved, integrating other 14 applicable operating permits related to the EIA procedure within the framework of the SEIA.

IntegrAmbiente represents an effort to increase the efficiency of public administration. It is mainly intended to introduce improvements in the administrative process of environmental certification under Senace’s purview, maintaining or improving the accuracy of EIA.

The Concurrent EIS changes the sequential permit system, in which the EIS were approved first and other permits were granted later, to a more efficient model in which they are applied for and approved simultaneously. The efficiency of administrative procedures is sought, avoiding unnecessary duplicity without compromising the quality of the environmental studies, or the technical rigor required for the environmental impact assessment, within a regulatory framework that encourages early planning. In other words, the technical evaluation of the studies is not watered down.





The Concurrent EIS has the following advantages:

- **It avoids** duplicity in both impact assessment and administrative procedures.
- **It eliminates** potential contradictions between the various environmental authorities and their evaluators.
- **It reduces** transaction costs by managing, in an efficient manner, the time to implement the investment projects.
- **It boosts** interinstitutional coordination, facilitating the exchange of information between the institutions related to the Concurrent EIS procedure.
- **It guarantees** a smooth and timely procedure with reasonable time limits, maintaining or improving the rigorousness of the assessment. ●

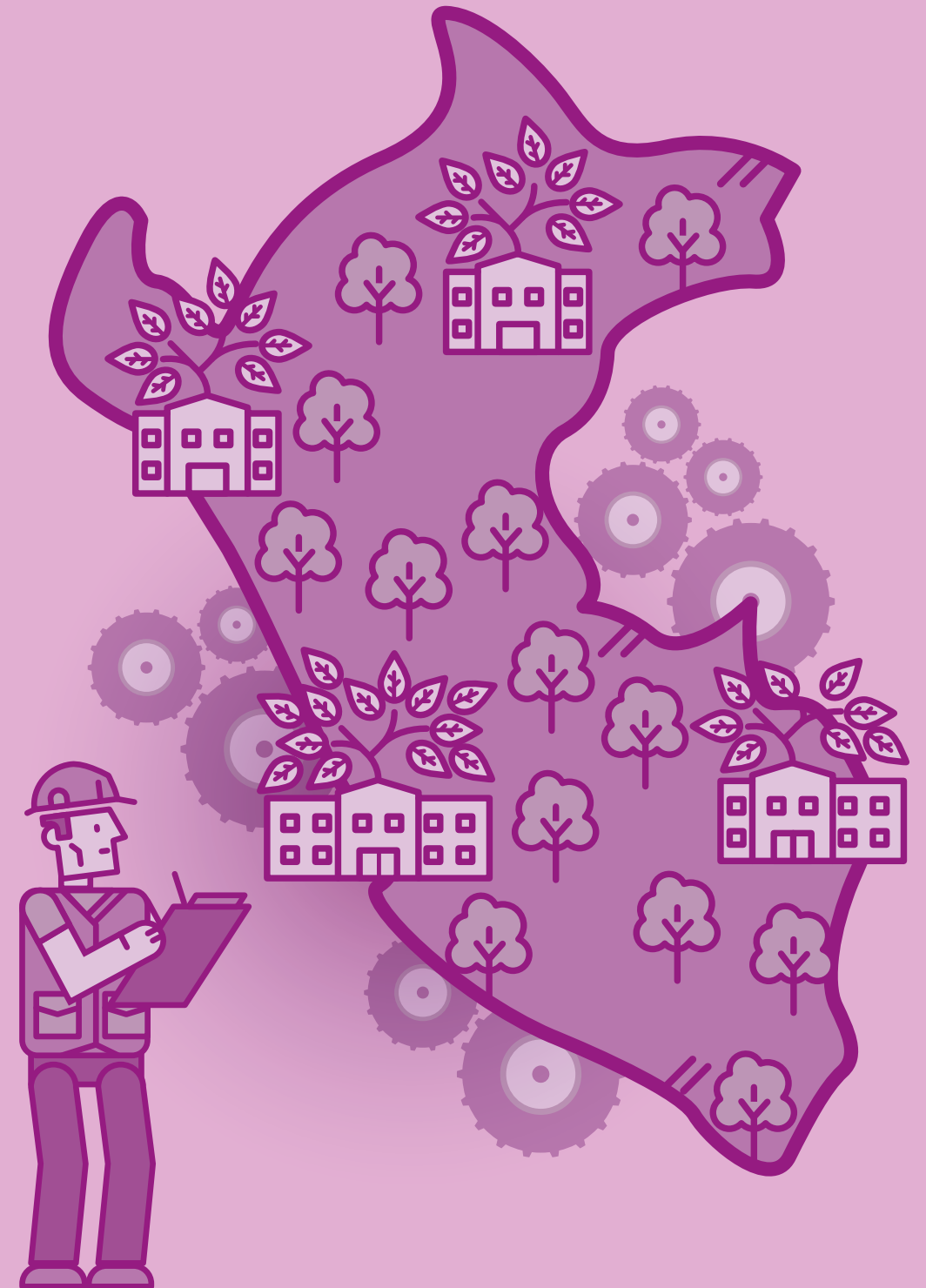


05

REGISTRIES

Senace manages:

- The Registry of Environmental Consulting Firms, which is made up of the companies authorized to prepare EIS within the framework of the SEIA.
- The Registry of Environmental Licenses, which contains the environmental licenses granted or denied by the competent sector authorities and Senace.



REGISTRY OF ENVIRONMENTAL CONSULTING FIRMS

This registry contributes to progressively increasing the quality of Environmental Impact Assessments.

The regulatory background of this registry can be found in the Code of the Environment and Natural Resources of 1990. This code set forth that EIS can only be prepared by public or private institutions duly qualified and registered with the competent authority⁵⁶.

The 2001 SEIA Act⁵⁷ and its regulations determined the implementation of a single registry of environmental consulting firms under the Ministry of the Environment's responsibility.

Such criterion was set out, in turn, in the Directive issued by the MINAM to strengthen the performance of the sector-oriented environmental management (2012). This Directive sets forth that sector-oriented environmental authorities should submit to the Ministry of Environment the sector records of the entities authorized to prepare EIS, so that they are included in the Single Registry of Authorized Entities to prepare strategic

environmental assessments and environmental studies⁵⁸.

Thereafter, managing the Registry of Environmental Consulting Firms was established as one of Senace's functions. Thus, environmental consulting firms that prepare EIS of the Energy and Mining, Transportation and Agriculture sectors have to register before Senace.

The EIS are multi-disciplinary technical studies so they need to be prepared by qualified professional teams in various academic areas properly covering the requirements of the technical, environmental and social components of EIA. In that respect, this registry is an instrument that contributes to increasing the quality of EIS.

Assigning this Registry to Senace that will concentrate the records from various sectors

constitutes progress in the modernization and improvement in EIA. Furthermore, it is important to state that the role assigned to the Agency for Environmental Enforcement (OEFA for its abbreviation in Spanish) is very significant for the enforcement of the obligations of environmental consulting firms and the professionals who make it up.

PROGRESS IN THE IMPLEMENTATION OF THE REGISTRY OF ENVIRONMENTAL CONSULTING FIRMS

To guarantee the multidisciplinary approach, Senace has set out rules for the establishment of the minimum teams of professionals from the consulting firms that register to provide services for the preparation of EIS. Such teams must be made up of at least six (6) specialized professionals with at least 5 years of professional experience in the EIA industry.

Furthermore, for the continuous improvement of technical competence of the environmental consulting firms, Senace has established the progressive implementation of quality management systems of the processes related to the preparation of EIS by the environmental consulting firms⁵⁹.

In addition, Senace has approved performance indicators that aim to provide transparent information on the work of such companies⁶⁰.

REGISTRY OF ENVIRONMENTAL LICENSES

It is intended to give free access and make publicly available the information of the Environmental Impact Studies and other instruments.

The SEIA Act created a public record of the applications for environmental license filed and their classification, the issued terms of reference, the review procedures of EIS in progress, the participation mechanisms, the resolutions adopted, and of the environmental licenses issued⁶¹.

Subsequently, the Act of Creation of Senace set out as one of its functions the management of the Registry of Environmental Licenses⁶².

It is important to point out that this administrative registry is a mechanism to disseminate the administrative acts issued as a result of the EIS review and approval procedure under Senace's responsibility. The Registry

of Environmental Licenses is published in the web portal of Senace, through modules that facilitate the access and download of the registered environmental studies, whether through direct links or georeferenced search with GIS tools that are easy to use.

Senace also publishes, in a specific chapter of the Registry of Environmental Licenses, the information of the baselines of the Environmental Licenses that it approves and those sent during the process of transfer of functions from the sectors, to make publicly available and give free access to the information contained therein, to the holder of the project or to third parties, for the preparation of new EIS. ●



SENACE



SENACE

06

CHALLENGES

The Organization for Economic Co-Operation and Development (OECD) and the Economic Commission for Latin America and the Caribbean (ECLAC) have recommended Peru to strengthen Senace. It is part of the 66 recommendations made by such organizations in the report containing the Environmental Performance Reviews of Peru to improve the environmental management of the country, which are considered key for an eventual process of inclusion of Peru in the OECD, an international cooperation organization made up of 34 developed countries⁶³.

As recommended by the OECD, the strengthening and implementation of Senace will allow the country to have efficient and independent environmental management through a One-Stop Shop system and with a technical reference of the EIA. The OECD claims that it is important to ensure the financial sustainability of Senace, as well as to integrate the technical knowledge, good practices and lessons learned from the public entities that were previously competent to assess the environmental impact of investment projects.

Considering the lessons learned from the transfer process, and having in mind the experience acquired by the institution after two years of operation, the following future challenges have been identified:



CHALLENGES



1 TO REGAIN CITIZEN TRUST IN THE EIA



2 TO STREAMLINE THE EIA PROCESS



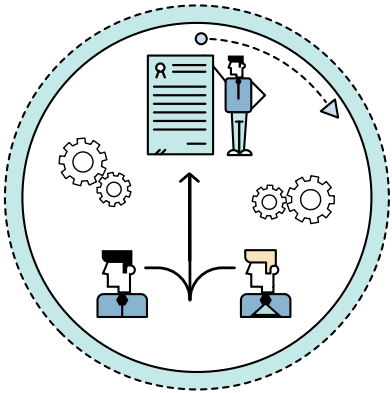
3 TO FOSTER A CULTURE OF INTEGRITY AND TRANSPARENCY



4 TO PROMOTE THE ELECTRONIC GOVERNMENT POLICY IN THE EIA PROCESS



5 TO ENCOURAGE CONTINUOUS TRAINING AND CAPACITY STRENGTHENING FOR SENACE'S WORKERS



6 TO ACHIEVE GREATER REGIONAL PRESENCE

1. TO REGAIN CITIZEN TRUST IN THE EIA

The most important task that Senace faces in the short term is, without a doubt, regaining citizen trust in the environmental assessment of large-scale projects. Various social conflicts are explained, in part, by the population's lack of information and suspicion regarding the EIA.

Upon completion of the transition from the sector-oriented model to the single-agency model, Senace is now responsible for demonstrating the advantages of having an autonomous entity in charge of assessing environmental studies. For that purpose, the efforts to achieve active and informed participation of citizens in the EIS review procedure are essential.

Building trust is a constant and permanent process that requires the efforts of all stakeholders. This implies engagement of the stakeholders based on the principles of accessibility, inclusion and transparency⁶⁴.

Thus, Senace's challenge is to ensure that all social actors have access to the information necessary to exercise effectively their right to citizen participation. The information must be provided in a culturally appropriate manner, taking into account the mother tongue, linguistic usage, forms of expression and the most appropriate media based on the social and cultural context of the population involved. Furthermore, it is important to include the gender and intercultural

approaches in the public participation process, and consider the most appropriate mechanisms to ensure that any vulnerable population that is present in the area of influence, or that makes use of the area, is involved in the process.

For that purpose, Senace will facilitate dialogue with rural and native communities and the indigenous peoples during the EIA process, through respect for their culture and worldview. In that regard, Senace will review the effectiveness of the public participation mechanisms based on the characteristics of the communities, the social environment and the nature of the project, considering such aspects as the language, local customs and the internal local organization. In addition, it will be coordinated with the organizations representing indigenous peoples, as well as with the Ministry of Culture, to better guide their involvement within the framework of the Roadmap with Indigenous Peoples of Senace.

With the recent approval of the "Guidelines to Promote Women Participation in the Environmental Certification Process", Senace has an instrument that promotes internalization and consideration of the gender perspective in public participation mechanisms. Thus, when evaluating the Public Participation Plan, Senace will verify, for example, that mechanisms including group meetings and/or interviews with women from the area of influence have been contemplated. Senace promotes this initiative to achieve meaningful



participation of women in the environmental processes.

Furthermore, during the development of public participation, Senace will ensure that social actors have constant and continuous access to the information related to the proposed investment project, making sure that it is conveyed to the population on a transparent basis, avoiding the exclusion of social actors, and including the progress and any possible change in the activities that the project is taking or planning to take.

As it can be seen, it is necessary to modernize the public participation process to redirect it towards its true objective: create a space for open

dialogue in good faith to address the main concerns of all the population and stakeholders and clear up the doubts existing about the environmental and social impacts of a project. This objective will promote sustainability of the investment.

This implies:

- Early presence during the preparation of the EIA;
- Application of social engagement tools;
- Coordination with the three government levels;
- The effective application of the principles of accessibility, inclusion and transparency.

SENACE



2. TO STREAMLINE THE ENVIRONMENTAL ASSESSMENT PROCESS

A first set of internal measures intended for streamlining the EIA have been approved, such as the use of a matrix to consolidate comments, the existence of technical “case law”, the use of manuals to guide the internal procedures, and the creation of work groups to carry out reviews and engage with different groups of stakeholders.

Moreover, the “EIS Executive Summary Orientation Guide” has been prepared to make executive summaries more accessible. This guide promotes that documents explaining an investment project and its impacts foster

the informed and responsible participation of citizens, as well as promoting the use of executive summaries in audiovisual versions. Senace is oriented towards a simpler, more straightforward EIS that is easy to understand, but which remains technically robust and consistent at the same time. Furthermore, it has been verified that the large extension of an EIS does not guarantee its quality; therefore, Senace continuously evaluates how to streamline the contents of the EIS to what is strictly material and relevant for their application to the specific project.

Towards the optimization of the Environmental Impact Study

Senace initiated a process to propose improvements to the EIS under its responsibility, with the technical assistance of the Canadian cooperation through the MEGAM project (Improvement of the Environmental Management of the Mining and Energy activities in Peru).

An Encyclopedic EIS is an EIS that is “unnecessarily extensive and descriptive, limited analytical content and generic approach, not focused on the analysis of socio-environmental components that could be significantly impacted by the project.”

Senace seeks to ensure that EIS have greater technical consistency, prioritize relevant information and give greater emphasis and technical development to the analysis of impacts.

3. INTEGRITY AND TRANSPARENCY

For the appropriate assessment of the EIS and the management of the environmental consulting firms, it is essential that Senace adopts a series of ethical controls that ensure the integrity and impartiality in the environmental assessment. To promote a culture of integrity, transparency and ethics within the organization, the following are some measures that have already been implemented:

- Code of Ethics;
- Integrity Channel;
- Field Work Protocol;

- Protocol of Technical Meetings;
- Portal of Open Data
- Declarations of interests

Furthermore, Senace renews its commitment with the prevention, detection and appropriate management of criminal conducts of bribery through the implementation of ISO 37001 – Anti-bribery Management System, which will allow Senace to identify and manage the risks of corruption in its tasks, implementing controls, developing specific training plans, and conducting internal audits for the continuous improvement of the institution. The implementation of this system is an important milestone for the environmental sector and it will provide more trust in the transparency of our main processes.

4. ELECTRONIC GOVERNMENT

Within the framework of the National Electronic Government Policy, Senace seeks to bring the public services closer to the citizens through the use of information technologies. Specifically, Senace aims at having a fully online EIA procedure that allows not only that companies from various sectors may submit the EIS digitally, but also enables the timely and inclusive access of the population to the EIS.

In that regard, Senace is implementing projects that will boost information sharing with the other public institutions involved in the assessment process through the interoperability of the information technology systems and digital services.

Therefore, the implementation of the One-Stop Shop is a priority, among other automation measures that may be adopted in the short term.

The electronic government tools will help to reduce the frame to process applications; it will allow the exchange of information in a safe and timely manner; and it will improve the competitiveness and transparency of Senace.

Considering that the Environmental Certification One-Stop Shop is the operational vehicle to apply for a Concurrent EIS, making Senace the single point of contact of the project proponent with the various public organizations, it is necessary to continue with the development of digital platforms that ensure the interoperability and optimization of the procedure and the information management.

5. CONTINUOUS TRAINING AND CAPACITY STRENGTHENING

Senace's professionals must be trained in aspects that reinforce their actions as evaluators and representatives of the State in the EIA process.

The specialized technical training activities constitute a permanent capacity building process for the personnel responsible for the EIA process of Senace; therefore, it is necessary to continue promoting and managing the development of specialized technical capacities, within the framework of the new technologies and the progressive transfer of functions.

In turn, the preparation of tools, protocols and manuals guide the evaluator's work so that the assessment criteria are not lost.

6. GREATER REGIONAL PRESENCE

Through the Early Engagement visits, baseline supervision, and initiatives such as Regional Route and the Regional Articulation, Senace has managed to visit almost the entire country in workshops, courses and informative meetings to local and regional authorities, and citizens. All these initiatives seek to promote the knowledge about the EIA processes and the public participation mechanisms promoted by Senace.

- 38 Early Engagement Visits
- 40 Baseline supervisions
- 12 Regional Routes
- 228 public participation workshops and audiences

* As of march 2018

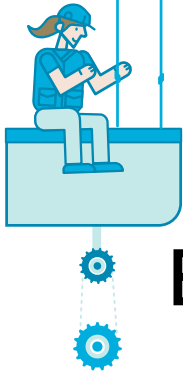
SENACE IS A CHALLENGE AND AN OPPORTUNITY

The ongoing strengthening of Senace is a challenge because EIS should be rigorously and technically evaluated so that they have broad social legitimacy, but at the same time within more efficient and agile evaluation schemes. The decision to provide autonomy to a specialized institution should be seen in that perspective. Moreover, the internal organization of Senace, its initiatives of transparency and dialogue, as well as the continuous improvement efforts in regulatory, procedural and technical matters, make it possible to get close to meeting this challenge. A work group of the United Nations Organization notes this progress and points out the need to continue down this path of institutional strengthening.

However, Senace cannot achieve these objectives on its own. It needs the informed

participation of the civil society and the indigenous peoples, entrepreneurs, and environmental consulting firms aware that a well-prepared EIS helps to ensure environmentally and socially sustainable projects, and a State at its three government levels committed to close coordination and cooperation. Therefore, the main commitment of Senace is to work together with all stakeholders and social actors to make EIS genuinely useful and sustainable instruments.

This is the opportunity that the country now has in its hands. •



END NOTES

¹ RAU, J.G. Y D.C. WOOTEN, Environmental impact analysis handbook, EUA, McGraw Hill, 1980.

² In 1993, the environmental protection regulations are developed in the sectors of Oil & gas (Supreme Decree No. 046-93-EM) and Mining (Supreme Decree No. 016-93-EM) and in 1994, by Supreme Decree No. 029-94-EM, the Regulations on Environmental Protection in Electrical Activities are approved.

³ Established by Act 27446, Act of the National Environmental Impact Assessment System.

⁴ Regulations on the Act of the National Environmental Impact Assessment System, approved by Supreme Decree No. 019- 2009- MINAM.

⁵ By Act 29968, Act that creates Peru’s Environmental Licensing Agency - SENACE.

⁶ Supreme Decree No. 006-2015-MINAM, the Schedule of Transfer of Functions from the Sectoral Authorities to Senace is approved within the framework of Act No. 29968.

⁷ Act No. 30327, Act on Investment Promotion for Economic Growth and Sustainable Development.

⁸ Senace received the 2017 prize for Good Practices in Public Management from the NGO Ciudadanos al Día (CAD) for the implementation of IntegrAmbiente

(“IntegrAmbiente, hacia una Certificación Ambiental Global”), in the Public Cooperation category.

⁹ World Bank. 2007. Executive Summary: Peru Environmental Analysis: Challenges for sustainable development. Lima: World Bank, p. 11. http://siteresources.worldbank.org/INTPERUI/SPANISH/Resources/Resumen_Ejecutivo_FINAL_publicado_corregido_Junio_11.pdf

¹⁰ According to the study “How to address environmental permitting” (AFIN, 2015), which includes the time that it takes, on average, to assess an EIS and obtain the subsequent environmental permits. The deadlines to prepare the baseline are not considered.

¹¹ Palomino, Miguel et al. 2015. “El costo económico de la no ejecución de los proyectos mineros por conflictos sociales y/o trabas burocráticas” (The economic cost of the non-execution of mining projects due to social conflicts and/or bureaucratic hurdles). IPE: Lima. At: <http://www.ipe.org.pe/documentos/el-costo-economico-de-lano-ejecucion-de-los-proyectos-mineros-porconflictossociales-yo>.

¹² Pursuant to the Report on Social Conflicts, No. 100, June 2012, Ombudsman’s Office of Peru.

¹³ Valdéz Muñoz, Walter. 2013. “Marco institucional para la gestión ambiental en el Perú” (Institutional framework for environmental management in Peru).

At: Derecho PUCP, No. 70, p. 51 and p. 56. <http://revistas.pucp.edu.pe/index.php/derechopucp/article/view/6743/6860>.

¹⁴ SPDA (Peruvian Society of Environmental Law), Research Book No. 9 Proposals to Strengthen the National Environmental Impact Assessment System in Peru, 2012, page 44.

¹⁵ Supreme Resolution No. 189- 2012-PCM.

¹⁶ MINAM. 2012. Strategic Approaches of Environmental Management, approved by Supreme Resolution No. 189-2012/PCM. At: <http://www.minam.gob.pe/wp-content/uploads/2013/06/EJES-ESTRATEGICOS-DE-LA-GESTIONAMBIENTAL.pdf>.

¹⁷ The bill to create Senace was unanimously approved at the end of November and enacted on December 19, 2012 by Act No. 29968.

¹⁸ BUZZI, Elisa - CooperAcción, “El Servicio Nacional de Certificación Ambiental para las Inversiones Sostenibles (SENACE) Balance y Perspectivas” (The National Service of Environmental Certification for Sustainable Investments (SENACE), Review and Prospects, Lima 2015, page 7.

¹⁹ SPDA, Base document “Implementation of Senace: food for thought”, Lima 2014, page 4.

²⁰ The Economic Commission for Latin America and the Caribbean (ECLAC) and the Organization for Economic Co-Operation and Development (OECD), Environmental Performance Review of Peru, Santiago 2016, page 36.

²¹ Declaration of the United Nations Working Group on Business and Human Rights at the end of its visit to Peru. July 19,2017.

²² By Act No. 27658, State Management Modernization Framework Act, the Peruvian State is declared to be under Modernization Process, setting out the principles, actions, mechanisms and tools to carry it out. In that respect, the new public management will need to be oriented towards citizen service, the human person and the achievement of results.

²³ Organic Act of the Executive Branch, Act No. 29158, Article 33.

²⁴ The general functions of Senace are set out in Act No. 29968, Act that creates Senace; its Regulations of Organization, approved by Supreme Decree No. 003-2015-MINAM; and Act No. 30327, Act on Investment Promotion for Economic Growth and Sustainable Development.

²⁵ By Steering Committee Resolution No. 001-2017-SENACE/CD issued on February 16, 2017.

²⁶ Administrative Resolution No. 026-2018-SENACE/JEF.

²⁷ The Guidelines of Senace’s Institutional Policy were approved at the Twelfth Meeting of the Steering Committee held on January 29, 2016.

²⁸ By Supreme Decree No. 003-2013-MINAM published on April 25, 2013, the schedule and deadlines for the process to implement Senace are approved.

²⁹ Administrative Resolution No. 026-2018-SENACE/JEF.

³⁰ Administrative Resolution No. 058-2016-SENACE/J.

³¹ Administrative Resolution No. 055-2016-SENACE/J.

³² Administrative Resolution No. 047-2016-SENACE/J.

³³ Administrative Resolution No. 112-2015-SENACE/J.

³⁴ Administrative Resolution No. 110-2016-SENACE/J.

³⁵ Administrative Resolution No. 027-2017-SENACE/J.

³⁶ Administrative Resolution No. 071-2017-SENACE/JEF.

³⁷ Administrative Resolution No. 030-2016-SENACE/J.

³⁸ Administrative Resolution No. 062-2017-SENACE/J.

³⁹ Administrative Resolution No. 054-2016-SENACE/J.

⁴⁰ Administrative Resolution No. 033-2016- SENACE/J.

⁴¹ Directorial Resolution No. 139-2017-SENACE/DCA.

⁴² Administrative Resolution No. 038-2017-SENACE/J.

⁴³ Senace. 2016. Roadmap with Indigenous Peoples. Action Plan 2016-2017. En: <http://www.senace.gob.pe/download/senacedocs/HojadeRuta.pdf>

⁴⁴ Administrative Resolution No. 046-2016- SENACE/J.

⁴⁵ Administrative Resolution No. 010-2016-SENACE/J.

⁴⁶ Administrative Resolution No. 031-2017-SENACE/J.

⁴⁷ The Nature Conservancy – TNC, Peruvian Society of Environmental Law – SPDA, Contribution Program to environmental goals in Peru – PROAMBIENTE/GIZ, Fundación Ciudad de Papel.

⁴⁸ As stated in the Second Transitory Supplementary Provision of Act No. 30327, Senace will progressively take over the function of approving EIS-sd, and it may apply the Concurrent EIS to such instruments, after a period of at least two (2) years following completion of the transfer of the function of approving EIS from the appropriate sector to Senace.

⁴⁹ The applications for classification and approval of the terms of reference that are pending approval as of the date of commencement of exercise of the transferred functions will continue being filed with the appropriate sector.

⁵⁰ For the mining, oil & gas and electricity sectors, the following regulations apply: Mining: Regulations

on Environmental Protection and Management for Exploitation, Beneficiation, General Labor, Transport and Mining Storage activities – Supreme Decree No. 040-2014-EM. Oil & gas: Regulations on Citizen Participation to carry out Oil & gas-related Activities – Supreme Decree No. 012-2008-EM. Electricity: Guidelines for Citizen Participation in Electrical Activities are approved – Ministerial Resolution No. 223-2010-MEM/DM.

⁵¹ Pursuant to Paragraph (v) of the First Final Supplementary Provision of Act No. 29968, upon completion of the transfer of functions from the appropriate sector to Senace, Senace takes over the review of terms of reference of EIS and the supervision of the preparation of the Baseline for EIS, on a comprehensive and permanent basis, with respect to such sector.

⁵² Supreme Decree No. 019-2009-MINAM, Article 14.

⁵³ The applications for modification of the EIS and of the ITS of the EIS which are pending approval –as of the date of commencement of the exercise of the transferred functions will continue being filed with the appropriate sector.

⁵⁴ Article 30 of Supreme Decree No. 019-2009-MINAM.

⁵⁵ Law No. 30327, published in the Official Gazette El Peruano, May 21, 2015.

⁵⁶ Article 10 of the Code of the Environment and Natural Resources, approved by Legislative Decree No. 610.

⁵⁷ Paragraph c) of Article 17 of Act No. 27446, SEIA Act.

⁵⁸ Directive to strengthen the sector environmental management performance, approved by Ministerial Resolution No. 018-2012-MINAM.

⁵⁹ Administrative Resolution No. 030-2016-SENACE/J.

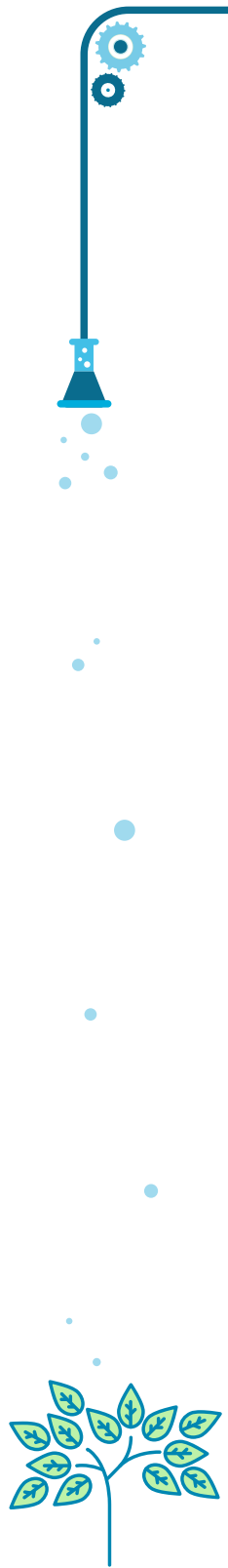
⁶⁰ By Administrative Resolution No. 060-2017-Senace/J.

⁶¹ Paragraph c) of Article 17 of Act No. 27446, SEIA Act.

⁶² “Article 3. General functions. The general functions of the National Service of Environmental Certification for Sustainable Investments (SENACE) are: [...] b) To administer the National Registry of Environmental Consulting Firms and the public and updated Administrative Registry of the environmental certifications, of national or multiregional scope, granted or denied by the competent agencies, without prejudice to the competencies on enforcement and sanction matters that pertain to the Agency for Environmental Assessment and Enforcement (OEFA). [...]”. (The underlining has been added.)

⁶³ http://repositorio.cepal.org/bitstream/handle/11362/40171/S1600313_es.pdf?sequence=1.

⁶⁴ Paragraph c) of Article 5 of Act No. 29968.





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CREDITS

The ABC of Senace

Peru's Environmental Licensing Agency – Senace

Various co-authors contributed to writing this book

Edited by: Senace

Av. Ernesto Diez Canseco 351 Miraflores, Lima - Peru.

Telephone: (511) 5000710

www.senace.gob.pe

Original design and layout: Fábrica de Ideas

Design and layout adaptation: Grace Calle

Translated by: Julia Pérez

Proofreading: Orestes Orrego / Daniel Corrales / Patrick Wieland

Second issue: March 2018.

Print run: 250 copies

Legal Deposit done at the National Library of Peru No. 2018-06455

Printed by: EDITORA IMPRENTA RIOS S.A.C.

Registered office: Jr. Cactus Mz. Q Lote 3, Urb. Entel Perú, San Juan de Miraflores

RUC: 20359508779

In May 2018



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