

Peru

SEA profile

Updated to: 04 September 2019

Overview SEA procedure

The SEA procedure starts with informing the MINAM on the elaboration and/or update of a PPP. Subsequently an SEA workplan has to be submitted to MINAM for approval. The SEA is undertaken which results in an SEA report. This report is submitted to MINAM, who reviews the SEA and subsequently approves or disapproves the SEA. Lastly there is a monitoring, implementation and follow up requirement.

source

Articles 8-13, Ministerial Resolution 175-2016

Establishing context

Screening process

There is no screening requirement. It is only stated the following kind of plans require SEA:

- PPPs on matters of national interest with legal status
- PPPs linked to national, regional and local development priorities, in energy, industry, mining, construction, housing, health, urban planning, transportation, forestry, agriculture, agroindustry, fishing, water resources, communications, tourism, territorial or land use development
- PPPs related to the matters mentioned in the preceding paragraph and defined as special, according to the regulations of the governing body of the National system for Strategic Planning.

And MINAM may request the execution of an SEA for PPPs that are important for the proper protection of the public interest in environmental matters.

source

Article 4, Ministerial Resolution 175-2016

Identification of stakeholders

The actors involved in any SEA are the representatives of the public sector, private sector and organised civil society entities with competences linked to the nature of the PPP. Their participation is key in the decision-making during the SEA.

Early in the SEA process a stakeholder participation plan is required, which defines at least mechanisms, methodologies and the participation schedule / timing.

source

Articles 7-9, Ministerial Resolution 175-2016

Setting SEA objectives

As part of the SEA workplan, objectives and scope of SEA should be indicated.

source

Article 9, Ministerial Resolution 175-2016

Implementing SEA

Scoping process

The scoping process is done through the development of an SEA work plan, including:

- Objectives of the SEA
- Scope of the SEA
- Definition of the methodological approaches to be used in the SEA
- Activities and schedule to assure alignment between the PPP and the SEA
- PPP stakeholder participation plan
- Responsible parties for the SEA (proponent and consultant)
- Proposed index for the Final SEA Document

MINAM reviews the SEA work plan presented by the proponent indicating their comments and observations, if applicable, and once corrected, expresses their conformity.

source

Article 9, Ministerial Resolution 175-2016

Baseline data

Strategic baseline and trends need to be described.

source

Annex I, Ministerial Resolution 175-2016

Alternatives

Alternatives should be described and justified. It is not described how they should be selected, ranked or compared.

source

Assessment/mitigation of effects

Identification and characterisation of possible environmental implications and/or opportunities and risks associated with the implementation of the PPP is required.

Also required is the definition of guidelines and measures to reduce risks and the significant environmental implications, as well as taking advantage of opportunities

source

Annex I, Ministerial Resolution 175-2016

Documenting results

An SEA report is required.

source

Article 11, Ministerial Resolution 175-2016

Content of SEA report

- Executive Summary
- Analysis of objectives, scope and context of the PPP and its relationship with other relevant PPPs
- Objectives and scope of the SEA
- Methodological approach(s) used
- Description of the process developed (activity plan, schedule and stakeholder participation plan), recording the options discussed, the contributions and improvements as a result of the joint work of both teams (SEA-PPP).
- Strategic diagnosis and trends.
- Justification of alternatives proposed by the PPP
- Identification and characterization of possible environmental implications and/or opportunities and risks associated with the implementation of the PPP.
- Definition of guidelines and measures to reduce risks and the significant environmental implications, as well as taking advantage of opportunities
- Follow-up plan on the recommendations derived from the SEA process, based on indicators.
- Main contributions or recommendations of the SEA to the PPP
- Other issues prioritized by the PPP EAE

source

Annex I, Ministerial Resolution 175-2016

Review process

- The proponent submits to the MINAM the Final SEA report, as well as the draft PPP.
- MINAM reviews and evaluates the document, issuing its comments and observations, and prepares the Environmental Report that supports the SEA approval or disapproval.
- A copy of the Environmental Report is shared with OEFA for monitoring purposes.

source

Article 12 and Annex II of Ministerial Resolution 175-2016

Informing decision making

SEA and planning decision-making

The SEA must be approved prior to the implementation of policies, plans and public programmes. The SEA report includes recommendations.

Justification of decision

Not required

Follow-up

Monitoring and evaluation

The proponent adopts and implements the necessary measures to comply with the recommendations included in the Environmental Report of MINAM, reporting the results to OEFA and MINAM.

The Environmental Evaluation and Monitoring Agency is responsible for monitoring the implementation of the recommendations of the SEA report.

source

www.oefa.gob.pe

Article 13, Ministerial Resolution 175-2016

SEA practice

NCEA's capacity development activities

- "International workshop on SEA as planning tool" organized by DAR, WWF, Ministry of Environment and the Ministry of Energy and Mining in February 2009

Relevant links on SEA

Law, Environment and Natural Resources ([Derecho, Ambiente y Recursos Naturales, DAR](#))

Background information

History of SEA

Major milestones

- 2003: elaboration of SEA for the urban transportation programme in Lima
- 2005: approval of the environmental Law no. 28611: "every human activity involving buildings, works, services and other activities, as well as the policies, plans and public programmes which can cause significant, environmental impacts is subject, according to law, to the national System of Environmental Impact Assessment (SEIA), which is administered by the national environmental authority".
- 2009: approval of the SEIA Law. This law regulates the procedures of SEA.
- 2016: Ministerial resolution 175-2016 where MINAM provides mechanisms and procedures for SEA.

source

<http://www.minam.gob.pe/wp-content/uploads/2016/07/RM-N%C2%B0-175-2016-MINAM.pdf>

Legal framework

Enabling law

Environmental Law No. 28611.

National detailed regulation

- 2009: Law no. 27446 - the National System of Environmental Impact Assessment (SEIA).
- 2016: Ministerial resolution 175-2016, providing mechanisms and procedures for SEA. This resolution will be an annex to the Law no. 27446

source

<http://www.minam.gob.pe/wp-content/uploads/2013/10/Ley-y-reglamento-del-SEIA1.pdf>

<http://www.minam.gob.pe/wp-content/uploads/2016/07/RM-N%C2%B0-175-2016-MINAM.pdf>

Sector specific procedures/regulations

Several sectors have recognised the importance of SEA in their sector-specific regulations, for instance agriculture, housing/construction/sanitation, hydrocarbons, transport and industry:

- Reglamento de Gestión Ambiental del Sector Agrario,
- Reglamento de Protección Ambiental para proyectos vinculados a las actividades de Vivienda, Urbanismo, Construcción y Saneamiento,
- Reglamento para la Protección Ambiental en las Actividades de Hidrocarburos,
- Reglamento de Protección y Gestión Ambiental para las Actividades de Explotación, Beneficio,

Labor General, Transporte y Almacenamiento Minero,

- Reglamento de Gestión Ambiental para la Industria Manufacturera y Comercio Interno.

source

Decreto Supremo N° 019- 2012-AG; Decreto Supremo N°015-2012-VIVIENDA; Decreto Supremo N° 039-2014-EM; Decreto Supremo W 040-2014-

EM; Decreto Supremo W 017-2015-PRODUCE.

Scope of application

SEA is applied at national, regional and local level plans, policies, and programmes which can cause significant environmental impacts.

source

Article 3, Ministerial Resolution 175-2016

SEA approach

The methodology and approach of SEA has been prescribed in a specific Ministerial Resolution.

Institutional setting

Central SEA authority

The Ministry of Environment promotes, evaluates and approves the SEA. More specifically, MINAM:

- Approves SEA standards, guidelines, directives
- Identifies PPPs that must be subject to SEA.
- Approves the SEA work plan, presented by the proponent at the start of any SEA.
- Guides and accompanies the SEA process.
- Reviews and evaluates the Final SEA document, presented by the proponent.
- Issues the Environmental Report that supports the approval or disapproval of the SEA submitted for consideration.
- Publishes PPP initiatives with significant environmental implications.
- Disseminates the results of SEA and the monitoring and evaluation reports of approved PPPs/SEAs.
- Promotes, in coordination with the governing body of the National System of Strategic Planning, the integration of the environmental variable in the processes of strategic planning.

source

Article 5, Ministerial Resolution 175-2016

Initiator of the SEA

The public entities of the three levels of government are responsible for conducting SEA during the development and/or update of a PPP that could generate significant environmental implications. Additionally they are responsible for:

- Informing the MINAM on the preparation or update of a PPP that may have significant environmental implications
- Communicating to the MINAM the beginning of the elaboration and/or update of PPP
- Presenting to the MINAM the SEA work plan
- Including in the team in charge of developing and/or updating a PPP, a team of professionals that ensures the integration of environmental variables
- Assuring the participation of internal bodies/units with environmental competencies
- Submitting the final SEA document to the MINAM for approval
- Implementing the recommendations of the SEA Report
- Reporting on the results of monitoring and evaluation to the Agency of Environmental Assessment and Control (OEFA) and MINAM

source

Article 6, Ministerial Resolution 175-2016

Contact

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