

AMENDMENTS TO REGULATIONS ON THE ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM (SEIA) ARE APPROVED

On December 15, 2023, the Comptroller General of the Republic confirmed Supreme Decree No. 30/2023, which amends the Regulations of the Environmental Impact Assessment System (SEIA) in order to adapt said regulation to the requirements of the Framework Law on Climate Change and the Escazú Agreement.

The approved modifications include, among others, the following:

- 1. Modification of the minimum contents of Environmental Impact Declarations (DIA) and Environmental Impact Studies (EIA).** The climate change factor is added transversally in the analysis that the proponents must carry out regarding the impact of their projects on the different components of the environment. In general, all mitigation, reparation and compensation measures, voluntary environmental commitments, and contingency and emergency plans must consider the climate change factor and their compatibility with the instruments established in the Framework Law on Climate Change.
- 2. Addition of a duty to present a summary of the DIA.** The general background section and the summaries of the DIA and EIA must be written in language understandable to the public, and the names of the projects must clearly reflect the type of project in question.
- 3. Reinforcement of the possibility of reviewing Environmental Approval Resolutions (RCA),** which would take place when, during the execution of the project, the variables observed in the Monitoring Plans evolve differently from what was projected, considering the influence of climate change. In this line, the duty to include a Monitoring Plan for Relevant Environmental Variables is introduced for DIAs, and the Superintendence of the Environment is added among those entitled to request the Environmental Assessment Service to review an RCA.
- 4. Inclusion of "participative monitoring", as a figure that the proponents will be able to include in the DIA or EIA.** It consists of a

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process that incorporates the community in the follow-up of the development phases of a project through the delivery of information, reports, training, field visits, among other measures.

5. Broadening of the scope of the concept of "environmental burden", which determines the applicability of a citizen participation process for DIAs. For purposes of analyzing the environmental burden of a project, nearby communities will be understood as those that are located in or make use of the area where the environmental impacts are manifested. In addition, the term for citizens or organizations to request a citizen participation process within the processing of DIAs is extended from 10 to 30 days.

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