

OPINION

**Evolution of environmental regulations in the hydrocarbons (sector)**

**by Cecilia Quiroz\***

The publication of Legislative Decree No. 613, the Environmental Code, passed in Peru in 1990, is one of the first references to environmental protection regarding human activities in general. As regards investment projects, Legislative Decree No. 757, the Private Investment Promotion Law, establishes the obligation of submitting Environmental Impact Assessments for this type of investments.

In the specific case of hydrocarbons activities, the Hydrocarbons Act, approved in 1993, includes this obligation and develops it through Supreme Decree No. 046-93-EM, which passed the first Environmental Protection Regulations for Hydrocarbon Activities. These regulations established that hydrocarbon companies must obtain prior environmental authorization before commencing their activities within the area specified by their contracts. Likewise, they established specific environmental protection rules, as they set forth the technical conditions for the development of hydrocarbons activities, intended to reduce or minimize the environmental impacts which may arise.

Supreme Decree No. 015-2006-EM was enacted in March 2006, taking into consideration the technological advances in the hydrocarbons industry. This decree approved the standing Environmental Protection Regulations for Hydrocarbons Activities.

Such law ratified that hydrocarbon companies are under the obligation of obtaining an environmental authorization prior to starting any activity. Moreover, it established other environmental protection aspects, such as the mandatory nature of re-injecting production waters, and the dimensions of seismic paths and fly camps. In general, it established the most suitable technical conditions for developing responsible work in sensitive environments.

Besides having issued specific regulations for the hydrocarbons sector activities, Peru also has passed general regulations applicable to them, such as the environmental quality standards for soils, water and air, and the Maximum Allowable Limits, in the corresponding cases.

It is worth adding that, according to the contractual clauses agreed between the Peruvian Government and hydrocarbon companies, the latter are committed to the compliance with all environmental regulations in force on the contract execution date, therefore, prior to commencing of their activities, they must have an environmental management instrument approved by the relevant authority, authorizing them to carry out their respective activities.

The preparation of this instrument requires a citizens' participation process, to ensure that all the populations comprised within the influence areas of the projects have expressed their opinions, suggestions and comments.

The system is completed with the activities for supervising the compliance with the environmental legislation and contractual clauses, entrusted to the relevant environmental authority, which is entitled to apply the administrative sanctions for the noncompliance with the obligations undertaken by the companies, in case they may take place.

As we may appreciate, the environmental regulations for the hydrocarbons sector are composed of a dynamic system, which is under constant revision, to incorporate technical requirements that limit the environmental impact and contribute to the sustainable development of this activity.

\* Hydrocarbons Sector Manager of Peru's National Society of Mining, Petroleum and Energy (SNMPE, in Spanish)