

## LEGAL PROVISIONS

**This is a free translation. The original version is in Spanish.**

**ENERGY AND MINES  
The Environmental Protection  
Regulations for Hydrocarbon Activities  
are Approved**

**SUPREME DECREE  
No. 039-2014-EM**

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

Section 3 of the Consolidated Text (*Texto Único Ordenado*) of Law No. 26221, Organic Law on Hydrocarbons (*Ley Orgánica de Hidrocarburos*), approved by Supreme Decree No. 042-2005-EM, establishes that the Ministry of Energy and Mines is the body in charge of preparing, approving, proposing and applying the Sector policy, and of enacting all other pertinent regulations;

As provided for in the Regulations on Organization and Duties (*Reglamento de Organización y Funciones*) of the Ministry of Energy and Mines, approved by Supreme Decree No. 031-2007-EM, the General Bureau of Energy and Environmental Matters of the Ministry of Energy and Mines is responsible for formulating, proposing and approving, where applicable, the technical standards and legal provisions concerning environmental preservation and protection in the Energy Sector;

Supreme Decree No. 015-2006-EM approved the Environmental Protection Regulations for Hydrocarbon Activities (*Reglamento para la Protección Ambiental en las Actividades de Hidrocarburos*), which establish the rules and provisions that regulate the environmental management of Hydrocarbon Exploration, Exploitation, Refining, Processing, Transportation, Marketing, Storage and Distribution in the Peruvian territory, during the life cycle of hydrocarbons, for the primary purpose of preventing, controlling, mitigating, rehabilitating and remedying the

adverse environmental impacts caused by such activities, while promoting sustainable development;

Law No. 27446, National Environmental Impact Assessment System Act (*Ley del Sistema Nacional de Evaluación del Impacto Ambiental*), created a unique and coordinated system for the identification, prevention, supervision, control and early correction of adverse environmental impacts resulting from human actions expressed through investment projects. Furthermore, said Law seeks to establish a uniform process that includes the requirements, stages and scopes of environmental impact assessment, as well as mechanisms to ensure citizen participation in the assessment process, ordering that the sector's rules and regulations be adapted to the provisions of said Law;

Supreme Decree No. 019-2009-MINAM approved the Regulations to Law No. 27446, National Environmental Impact Assessment System Act, which aim to achieve the effective identification, prevention, supervision, control and early correction of the adverse environmental impacts resulting from human actions expressed through investment projects, as well as public policies, plans and programs, by establishing the National Environmental Impact Assessment System (SEIA), ordering that the sector's rules and regulations be adapted to the provisions of such Regulations;

In compliance with such regulatory provisions, it is necessary to enact regulations to adapt the environmental rules and regulations governing Hydrocarbon Activities, while promoting the sustainable growth of such industry, and ensuring the uncompromising respect for the environment and human health;

Pursuant to the provisions contained in the Consolidated Text of Law No. 26221, Organic Law on Hydrocarbons, approved by Supreme Decree No. 042-2005-EM, and in exercise of the powers outlined in Section 118, paragraphs 8) and 24) of the Peruvian Constitution.

**LEGAL PROVISIONS****ENVIRONMENTAL PROTECTION  
REGULATIONS FOR HYDROCARBON  
ACTIVITIES**

HEREBY ORDERS TO:

**Section 1.- Approval**  
Approve the Environmental Protection Regulations for Hydrocarbon Activities, consisting of twelve (12) Titles, twenty-two (22) Chapters, one hundred eleven (111) sections, four (4) Final Supplementary Provisions, four (4) Temporary Supplementary Provisions, and four (4) Annexes, which are an integral part of this Supreme Decree.

**Section 2.- Repeal of Rules**  
Repeal Supreme Decree No. 015-2006-EM, which approved the Environmental Protection Regulations for Hydrocarbon Activities and all other provisions that are contrary to the provisions of this Supreme Decree.

**Section 3.- Countersignature**  
This Supreme Decree shall be countersigned by the Minister of Energy and Mines and the Minister of the Environment.

Given in the Palace of Government, in Lima, this 5th day of November, 2014.

OLLANTA HUMALA TASSO  
Constitutional President of the Republic

ELEODORO MAYORGA ALBA  
Minister of Energy and Mines

MANUEL PULGAR-VIDAL  
OTÁLORA  
Minister of the Environment

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**TITLE I****GENERAL PROVISIONS****Section 1.- Purpose**

The purpose of these Regulations is to regulate the environmental protection and management of Hydrocarbon Activities for the primary purpose of preventing, minimizing, rehabilitating, remedying, and compensating the adverse environmental impacts caused by such activities, while promoting sustainable development, in accordance with the environmental regulatory framework established by the Peruvian Constitution, Law No. 28611 - General Environmental Act, Law No. 28245 - Framework Act of the National Environmental Management System, Law No. 27446 - National Environmental Impact Assessment System Act, as amended by Legislative Decree No. 1078 and its Regulations approved by Supreme Decree No. 019-2009-MINAM, the Consolidated Text of the Organic Law on Hydrocarbons, approved by Supreme Decree No. 042-2005-EM, and all other applicable statutory provisions, in all cases as amended or replaced.

**Section 2.- Scope of Application**

These Regulations apply to the Hydrocarbon Activities developed within

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Peruvian territory, in accordance with the applicable laws in force.

In the event that the Titleholder transfers, conveys or assigns the Activity to a third party, the transferee or assignee shall be required to perform all the environmental obligations that were approved by the Competent Environmental Authority to the transferor or assignor. This rule also applies to the merger of companies.

Any transfer or assignment of the Hydrocarbon Activity must be notified to the Competent Environmental Authority with jurisdiction over environmental impact assessment and to the Competent Environmental Enforcement Authority.

### **Section 3.- Environmental Responsibility of Titleholders**

The Hydrocarbon Activity Titleholders are responsible for complying with the provisions of the environmental legal framework in force, the provisions of the approved Environmental Studies and/or Supplementary Environmental Management Instruments, and any other additional regulations enacted by the Competent Environmental Authority.

Furthermore, they are responsible for the atmospheric emissions, the discharges of liquid effluents, the disposal of solid waste and noise emissions, coming from the facilities built or operated by them either directly or through third parties, particularly from those exceeding the current Maximum Permissible Limits (MPL) and Environmental Quality Standards (EQS), provided that it is shown in the latter case that there is a causality relationship between the Hydrocarbon Activity Titleholder's actions and the infringement of such standards.

The Hydrocarbon Activity Titleholders are also responsible for preventing, minimizing, rehabilitating, remedying, and compensating the adverse environmental impacts caused by the performance of their Hydrocarbon Activities and for any damage that may result from the defective application of the measures approved in the respective Environmental Study and/or

Supplementary Environmental Management Instrument, as well as for the cost of their implementation.

### **Section 4.- Definitions**

For purposes of the application of these Regulations, the following definitions shall be taken into account, without prejudice to the provisions set forth in the Glossary of Acronyms and Abbreviations of the Hydrocarbons Subsector, approved by Supreme Decree No. 032-2002-EM, to the extent applicable, and all other specific rules of the Hydrocarbons Subsector, adapted to the definitions contained in the regulations established by the Ministry of the Environment.

**Hydrocarbon Activities.-** Activities carried out by properly authorized companies that are engaged in the Exploration, Exploitation, Processing, Refining, Storage, Transportation or Distribution of Hydrocarbons, as well as in Hydrocarbon Marketing Activities.

**Industrial Wastewater.-** It is the water resulting from any process of the Hydrocarbon Activities, except for Produced Water.

**Expansion of Hydrocarbon Activities.-** It is considered that a Hydrocarbon Activity may be expanded in any of the following cases:

a) When, within the same Activity and within the project's area of influence, there is a desire to expand the planned program (e.g., increase the number of initially unplanned wells to be drilled).

b) When there is an increase in the number of facilities in the Processing or Refining, Storage, Transportation, and Marketing Activities.

c) When, within the same Activity and in areas adjacent to the initial project, there is a desire to expand such Activity.

**Disturbed Area.-** Area totally or partially affected by anthropic activities, where the titleholder, based on primary

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and/or secondary information, shows direct or indirect habitat loss, medium fragmentation, or change in current land use.

**Competent Environmental Authority.-** It is the authority in charge of the environmental management of Hydrocarbon Activities and of the evaluation and approval of the Environmental Studies and Supplementary Environmental Management Instruments in Hydrocarbon Activities, as appropriate: a) The Ministry of Energy and Mines, through the General Bureau of Energy and Environmental Matters (DGAAE); b) The Regional Governments, according to the duties transferred within the framework of the decentralization process; and c) the National Environmental Certification Service for Sustainable Investments, pursuant to its creation act, Law No. 29968.

**Competent Environmental Enforcement Authority.-** The entities in charge of the environmental supervision and enforcement, among them: The Agency for Environmental Assessment and Enforcement (OEFA) and the Environmental Enforcement Entities (EFA), as applicable.

**Enforcement Authority for Technical and Safety Matters.-** It is the Supervisory Body for Investment in Energy and Mining (OSINERGMIN), which is tasked with the supervision and enforcement of technical and safety matters for the development of the Hydrocarbon Activities.

**Fugitive Emissions.-** They are emissions that escape in an uncontrolled manner from the different processes carried out in each of the Hydrocarbon Activities. They may also occur in the collection system due to its poor design or malfunctions. These emissions may escape through chimneys, pipelines, filters, hoods, among others.

**Consulting Firm.-** It is any company listed in the Sole Register of Entities Authorized to Conduct Strategic Environmental Assessments and Environmental Studies validly registered with the Ministry of Energy and Mines, in accordance with Ministerial Resolution No. 580-98-EM/VMM, as amended, replaced and supplemented, and by virtue of Supreme Decree No. 011-2013-MINAM or the rule that may replace it. This shall apply until the Registry of Environmental Consulting Firms is implemented in the National Service of Environmental Certification for Sustainable Investments (SENACE).

**Feasibility Study:** It is the level of information for a project, at the basic engineering level, through which the fundamental technical aspects of the project can be established, such as location, area, main dimensions, technology, development stages, estimated execution schedule, start-up, and organization. This study allows for the assessment of environmental impacts and the establishment of mitigation measures that may be required.

**Mud (drilling fluid).-** A fluid circulated within a Well during its drilling. It has special characteristics to keep it clean, stable, and controlled, as well as to recover lithological samples as the drilling progresses.

**Modification of Hydrocarbon Activities.-** It is considered that a Hydrocarbon Activity may be modified when there is a change in the use of the areas or techniques contemplated in the Environmental Study, without modifying the objectives of the activity.

**Abandonment Plan.-** It is the set of actions that the Titleholder will undertake to put an end to its Hydrocarbon Activity and/or abandon its facilities, areas or block prior to final removal in order to correct any adverse environmental condition and implement the necessary reconditioning to restore the area to its natural condition or

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leave it in suitable conditions for their new use. This Plan includes the measures to be adopted to prevent adverse environmental impacts resulting from the action of the solid, liquid or gaseous waste that may currently exist or that may appear later.

**Partial Abandonment Plan.-** It is the set of actions that the Titleholder will undertake to put an end to a part of its Hydrocarbon Activity and/or abandon a part of its facilities, areas and/or block. All the measures of an Abandonment Plan shall be taken into account.

**Rehabilitation Plan.-** It is a Supplementary Environmental Management Instrument designed to recover one or more ecosystem elements or functions that were altered after their exposure to adverse environmental impacts that could not be avoided or prevented, or reduced, mitigated or corrected.

### **Section 5.- Mandatory Nature of the Environmental Certification**

Any individual or legal entity under public or private law, national or foreign, intending to develop a project related to the Hydrocarbon Activities must obtain an Environmental Certification from the Competent Environmental Authority corresponding to the Activity to be developed, in accordance with its competencies.

For the purposes of the above paragraph, as a result of the environmental impact assessment process, the Competent Environmental Authority shall approve or disapprove the Environmental Study submitted for its consideration. When the issued Resolution approves such study, it is understood that this constitutes the Environmental Certification.

The inadmissibility, inapplicability, disapproval or any other cause leading to the non-obtaining or loss of the Environmental Certification, implies the legal impossibility to start works, execute and continue with the development of the investment project. The failure to perform

this obligation is subject to the statutory sanctions.

When, due to environmental emergency reasons, it is necessary to perform activities not contemplated in the approved Contingency Plans, they shall not be required to undergo the environmental assessment process. This must be communicated to the Competent Environmental Authority, OSINERGMIN, and the Competent Environmental Enforcement Authority, who shall conduct the necessary supervision according to its respective competencies.

The Competent Environmental Authority shall not evaluate the Environmental Studies submitted upon the start, expansion or modification of a Hydrocarbon Activity. Should these cases arise, the Competent Environmental Enforcement Authority shall be notified accordingly.

### **Section 6.- Hydrocarbon Activities that do not Require Environmental Studies**

The submission of Environmental Studies is not required in the case of Hydrocarbon Activities that do not cause adverse environmental impacts and that are not included in Annex 1 hereto as well as in Annex 2 to the SEIA Act Regulations, approved by Supreme Decree No. 019-2009-MINAM, as amended. Without prejudice to the foregoing, the necessary measures must be adopted to mitigate the environmental impacts that may result from such activities, in compliance with these Regulations, the current Maximum Permissible Limits (MPL), and the applicable environmental laws.

### **Section 7.- Amendment to the Regulations**

Any amendment to these Regulations or its supplementary provisions that constitute new environmental requirements applicable to the Hydrocarbon Activities shall be mandatory, and the respective adaptation terms and mechanisms shall be taken into account to that end.

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### **Section 8.- Requirement to Submit an Environmental Study**

Prior to the start of Hydrocarbon Activities, the Expansion of Activities or the Modification, completion of activities or any development of the activity, the Titleholder is required to submit to the Competent Environmental Authority, as the case may be, the respective Environmental Study or Supplementary Environmental Management Instrument or Supporting Technical Report (ITS, Spanish acronym). Such study, instrument or report shall be executed after they are approved and shall be of mandatory compliance. The cost of the above-mentioned studies and their dissemination shall be borne by the proponent.

The Environmental Study shall be prepared based on the investment project designed at a feasibility level, i.e. at a basic engineering level. The Competent Environmental Authority shall declare an Environmental Study inadmissible if it does not meet such condition.

### **Section 9.- Status as Sworn Statement**

The Environmental Studies, the Supplementary Environmental Management Instruments, the annexes, and any other supplementary information must be signed by the Titleholder and the professionals responsible for their preparation. Additionally, they must be signed by the representatives of the consulting firm in charge of their preparation, if applicable. The consulting firm must have a valid registration in the respective registry at the time of submitting these studies.

All the documentation submitted by the Titleholder has the status of a sworn statement for all legal purposes; therefore, the Titleholder, the representatives of the consulting firm charged with its preparation, and all other professionals signing it are responsible for the truthfulness of its contents.

The Titleholder shall be responsible for the damages caused by any deficiencies resulting from the negligent use of

fraudulent and/or false information in the preparation of the respective Environmental Studies or of any Supplementary Environmental Management Instrument, which may entail the nullity of the Environmental Certification or the Administrative Act approving the respective Environmental Management Instrument.

### **Section 10.- Scope of the Environmental Certification.**

The Environmental Certification implies the pronouncement of the Competent Environmental Authority regarding the overall environmental feasibility of the project. It must be issued in accordance with the provisions of Section 16 of Supreme Decree No. 019-2009-MINAM.

## TITLE II

### COMPETENT AUTHORITIES

#### **Section 11.- Competent Environmental Authority**

For the evaluation and review of the Environmental Studies and Supplementary Environmental Management Instruments in Hydrocarbon Activities, the Competent Environmental Authority is, as the case may be, the Ministry of Energy and Mines, acting through the General Bureau of Energy and Environmental Matters (DGAAE), as well as the Regional Governments, according to the functions transferred within the framework of the decentralization process. Similarly, according to its creation law, the National Service of Environmental Certification for Sustainable Investments (SENACE) is a Competent Environmental Authority for the evaluation and review of Detailed Environmental Impact Studies (EIA-d) once they are transferred by the respective sector.

#### **Section 12.- Competent Authorities in Supervision and Enforcement Matters**

Where applicable, the OEFA and the EFAs are responsible for the environmental

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assessment, supervision and enforcement of Hydrocarbon Activities. Furthermore, OSINERGMIN is in charge of supervising and enforcing compliance with the legal and technical provisions on infrastructure safety in Hydrocarbon Activities.

Within the framework of Sections 76 et seq. of Law No. 27444, General Administrative Procedure Act, the authorities mentioned in the preceding paragraph shall conduct coordination and collaboration activities to exercise their competencies in an efficient and effective manner.

### TITLE III ENVIRONMENTAL STUDIES AND/OR SUPPLEMENTARY ENVIRONMENTAL MANAGEMENT INSTRUMENTS

#### Chapter 1 Environmental Studies and Supplementary Environmental Management Instruments

##### Section 13.- Environmental Studies

The Environmental Studies applicable to the Hydrocarbon Activities include:

- a. Environmental Impact Declaration (DIA), Category I.
- b. Semi-detailed Environmental Impact Study (EIA-sd), Category II.
- c. Detailed Environmental Impact Study (EIA-d), Category III.
- d. Strategic Environmental Assessment (EAE).

Annex 1 to these Regulations contains a categorization of Hydrocarbon Activities and determines the Environmental Study that applies to each Hydrocarbon Activity.

The contents of the Environmental Studies shall conform to the guidelines approved by the Ministry of Energy and Mines by means of a Ministerial Resolution, which shall be developed as provided for in the SEIA Act and its Regulations, and in the sector's laws, to the extent applicable.

**Section 14.-** The Supplementary Environmental Management Instruments are as follows:

- a) Abandonment Plan
- b) Partial Abandonment Plan
- c) Rehabilitation Plan
- d) Supporting Technical Report

#### Chapter 2 Classification of Environmental Studies

##### Section 15.- Application for Classification of Environmental Studies

At the request of the Titleholder, the Competent Environmental Authority may classify the projects involving Hydrocarbon Activities that are not listed in Annex 1, or that, even if listed, the Titleholder considers, given the particular characteristics of its project or the environmental context in which it is found, that the categorization assigned in the indicated Annex is not appropriate. For such purpose, the Titleholder must accompany the following documents to its request:

15.1 Two (02) printed and electronic copies of the Preliminary Evaluation, which must contain, at a minimum, the requirements specified in Annex VI to the SEIA Act Regulations, as applicable, without prejudice to the additional information that the Competent Environmental Authority may request and that it will include in the guidelines approved by said authority.

15.2 Receipt evidencing payment of the processing fee, according to the Consolidated Text of Administrative Procedures (TUPA) of the Competent Authority, as appropriate.

For Category I, the Preliminary Evaluation document represents the DIA, which, if applicable, shall be approved by the Competent Environmental Authority, issuing the Environmental Certification.

For Category II and III investment projects, the Hydrocarbon Activity Titleholder shall, without prejudice to the aforementioned requirements, submit proposed Terms of Reference (ToR) for Environmental Studies.



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The Applications for Classification and the Preliminary Evaluation shall be prepared and signed by an interdisciplinary team of professionals, as appropriate for the characteristics of the study. Such professionals must be registered in the Registry of Environmental Consulting Firms, licensed by the respective Professional Association, and have training and experience in environmental aspects.

The Competent Environmental Authority that is authorized to determine a classification different from that established in Annex 1 hereto is the authority competent to evaluate the environmental management instrument as set forth in Annex 1.

### **Section 16.- Classification Procedure**

Once the Application for Classification is admitted for processing, the Competent Environmental Authority shall evaluate the contents of the application and, if applicable, shall request the Titleholder to provide additional information or to correct the observations raised.

The above-mentioned Classification Procedure shall have a maximum term of twenty (20) business days from the day following receipt thereof.

If there are any observations, the above term shall be suspended at the time the observation is raised and shall be resumed upon submission of the respective correction.

The Titleholder must submit the additional information required within a term not to exceed ten (10) business days after the observation is received; this term could be extended only once for up to ten (10) additional business days if so requested by the Titleholder within the initial term.

If, during the evaluation period, the Competent Environmental Authority determines that the application submitted does not align with the category proposed by the project Titleholder, it must reclassify it *ex officio* and request the Titleholder to submit the respective Terms of Reference, if applicable.

### **Section 17.- Request for the Technical Opinion of Other Entities for the Classification of Environmental Studies and Terms of Reference**

For the evaluation of the Classification Application and within the established terms, when so required, the Competent Environmental Authority may request the technical opinion of other authorities, which shall be taken into consideration at the time of issuing the Classification Resolution. The report that supports such Resolution must inform on the opinions received as well as on their acceptance and/or the reasons why they were not considered.

Furthermore, for investment projects related to Hydrocarbon Activities intended to be developed in Protected Natural Areas of national administration and/or in their Buffer Zones and Regional Conservation Areas, or those projects related to water resources, the Competent Environmental Authority must, if appropriate, request the technical opinion on the Terms of Reference from the SERNANP and the National Water Authority (ANA), respectively.

### **Section 18.- Classification Results**

The Competent Authority shall issue a Resolution:

18.1 Granting the Environmental Certification - Category I (DIA) or rejecting the application.

18.2 Assigning the Category II or III to the project and, if applicable, approving the Terms of Reference. Moreover, the Resolution shall specify the authorities that will issue a technical opinion during the Environmental Study evaluation stage.

The Classification Resolution does not entail the granting of the Environmental Certification and shall be in force provided that the material or technical conditions of the project, its location or its foreseeable environmental or social impacts are not modified.

## **Chapter 3 Submission of Environmental Studies**

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### **Section 19.- Submission of Environmental Studies**

In order to submit the Environmental Study, the Titleholder shall observe the provisions of the current Consolidated Text of Administrative Procedures (TUPA) of the Competent Environmental Authority, the provisions of Law No. 27444, and the provisions of these Regulations. The minimum requirements are as follows:

19.1 Application form, stating the Tax ID Number (RUC) of the project Titleholder.

19.2 Two (2) printed and electronic copies of the Environmental Study.

19.3 Information on the project Titleholder, enclosing the documents evidencing its ownership of the project, according to the type of project. Also, evidence of the powers granted to the Legal Representative, if applicable.

19.4 Receipt evidencing payment of the processing fee, according to the Consolidated Text of Administrative Procedures (TUPA) of the Environmental Competent Authority, as appropriate.

The Document Handling Office (Front Desk) shall verify compliance with the respective admissibility requirements, as provided for in Section 125 of Law No. 27444.

After receiving the Environmental Study, the Competent Environmental Authority shall review whether it complies with the requirements outlined in these Regulations and with the approved Terms of Reference, as applicable.

Furthermore, it shall verify whether the characterization or Baseline of the project's area of influence contains the basic technical information with the minimum required level of detail.

If the study does not meet the established requirements or does not contain the information required at a minimum by the respective rule or Terms of Reference, the Competent Environmental Authority shall declare the Environmental Study as inadmissible. The declaration of inadmissibility does not affect the right of

the Hydrocarbon Activity Titleholder to submit a new application.

The Resolution declaring the inadmissibility of the Environmental Study shall be issued within a term not to exceed ten (10) business days after it is submitted by the Hydrocarbon Activity Titleholder.

### **Section 20.- Administrative Silence**

The procedures for evaluating the Environmental Studies and Supplementary Environmental Management Instruments are governed by the application of the negative administrative silence.

### **Section 21.- Baseline**

The Baseline used in the preparation of the Environmental Studies must be reasonable and representative of the project's study area. In the case of sequential hydrocarbon activities or in the case of the expansion of and/or modification to a hydrocarbon activity in the same area where the Baseline of the previously approved Environmental Study has been conducted, a new Baseline shall not be required for the successive Environmental Studies.

If such Baseline exceeds the term established in Section 30 of the SEIA Act Regulations and, according to the type of proposed Activity, the Titleholder shall justify that the area conditions are similar to those of the Baseline contained in the approved Environmental Study.

To that end, in order to obtain a pronouncement from the Competent Environmental Authority, the coordination necessary to substantiate the request shall be made prior to submitting the formal application.

The term for the Competent Environmental Authority to issue a pronouncement on such application shall be thirty (30) business days and, if applicable, the environmental aspects to be considered in the Baseline and used in the Environmental Study to be prepared must be specified.

In the case of modifications or expansions of the original project or of new projects located in areas adjacent to the

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study area described in the approved Environmental Study, the titleholder may request the Competent Environmental Authority, based on supported reasons, to issue a pronouncement and authorize the use, update, expansion and/or supplementation of such Baseline according to the territorial scope of the project expansion or modification.

For purposes of the preparation of the environmental studies and where applicable, the Hydrocarbon Activity Titleholders shall include information on relevant aspects related to the collective rights of indigenous peoples that may be generated as a result of the project development, in order to design and implement the respective measures established in the Environmental Management Strategy.

### **Section 22.- Support during Baseline Preparation**

The Hydrocarbon Activity Titleholders must inform the Competent Environmental Authority on the start date for the preparation of their Environmental Impact Studies (semi-detailed and detailed) in order to coordinate the provision of the necessary support during the collection of information for the baseline.

## **Chapter 4 Environmental Impact Declaration**

### **Section 23.- Submission and Contents of the DIA**

The Environmental Impact Declaration (DIA) shall be submitted to the Competent Environmental Authority for Hydrocarbon Activities which execution may result in minor adverse Environmental Impacts.

In the case of facilities for hydrocarbon marketing, the Titleholder must submit the Environmental Impact Declaration in accordance with Annex 3.

### **Section 24.- DIA Review Procedure**

Once submitted, the DIA application shall be reviewed by the Competent Environmental Authority within a maximum term of twenty (20) business days.

If any observations are raised, they shall be notified only once to the Titleholder so that it may correct them within a term not to exceed twenty (10) business days, under warning of declaring the abandonment of the procedure. Subsequently, the Competent Environmental Authority shall have ten (10) business days to issue the respective resolution.

For purposes of evaluating the DIA, without prejudice to the established terms, and when so required by the Competent Environmental Authority or when mandatory, the technical opinion of other authorities shall be requested. Said technical opinion shall be taken into consideration at the time of issuing the Resolution.

### **Section 25.- DIA Approval**

If the DIA application is compliant, the respective approval Resolution shall be issued within the term set in the preceding Section.

## **Chapter 5 Semi-detailed Environmental Impact Study**

### **Section 26.- EIA-sd**

The Semi-detailed Environmental Impact Study (EIA-sd) shall be submitted for projects or Hydrocarbon Activities which execution may cause moderate adverse environmental impacts in quantitative or qualitative terms.

### **Section 27.- EIA-sd Contents**

The EIA-sd shall include, at a minimum, the contents required in the Terms of Reference for projects with common or similar characteristics approved by the Competent Environmental Authority, with the prior favorable opinion of the MINAM. If the Competent Environmental Authority has not approved such terms of reference, the Titleholder may use the basic terms of reference contained in Annex III to the SEIA Act Regulations, approved by Supreme Decree No. 019-2009-MINAM.

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### Section 28.- EIA-sd Evaluation Procedure

The requirements to submit the EIA-sd are set forth in Section 19 of these Regulations.

Once the EIA-sd is submitted, the Competent Environmental Authority shall summon the Titleholder within five (5) business days after the submission of the EIA-sd, so that the Titleholder may make a presentation on said Environmental Study before the public entities involved in its evaluation.

Within a term of three (3) business days following receipt of such studies at the front desk, the Competent Environmental Authority shall provide the public entities involved in the Environmental Study approval procedure with the information established in Law No. 27446 and the Regulations thereto, these Regulations and supplementary provisions for the issuance of binding or non-binding opinions or reports.

The public entities that participate through binding or non-binding opinions or reports are required to inform the Competent Environmental Authority on the observations and the correction requirements within a term not to exceed forty-five (45) business days. Failure to comply with such provision shall be considered an administrative fault sanctionable in accordance with Section 239 of Law No. 27444.

The Competent Environmental Authority shall communicate to the Titleholder, in a single document, its observations and requirements, as well as those of the intervening public entities, within a period not to exceed ten (10) business days calculated from the day following receipt by the Competent Environmental Authority of all the observations of the intervening entities.

The observations shall be notified only once to the Titleholder so that it may correct them within a maximum term of thirty (30) business days, under warning of declaring the abandonment of the procedure.

Once the Titleholder submits the corrections, the Competent Environmental

Authority shall have a maximum term of three (3) business days to submit such corrections to the relevant public entities, which shall have a term not to exceed ten (10) business days to issue their final opinion and notify it to the Competent Environmental Authority.

After said final opinions are notified, the Competent Environmental Authority shall have a maximum term of twenty (20) business days to issue its final decision. While the EIA-sd is subject to observations, the evaluation term shall not be computed.

### Section 29.- Technical Opinion of Other Entities with Non-Binding Opinion

The Competent Environmental Authority may request the non-binding technical opinion of other public authorities concerning matters related to the potential execution of the investment project, in order to receive their opinions on the EIA-sd submitted by the Project Titleholder.

The Report that supports the Resolution granting or denying the Environmental Certification must inform on these opinions as well as on their acceptance and the reasons why they were not considered.

## Chapter 6

### Detailed Environmental Impact Study

#### Section 30.- Submission of the EIA-d

The Detailed Environmental Impact Study (EIA-d) shall be submitted for investment projects or Hydrocarbon Activities which magnitude and location may cause significant adverse environmental impacts, both quantitatively and qualitatively.

#### Section 31.- EIA-d Contents

The EIA-d shall include, at a minimum, the contents required in the Terms of Reference for projects with common or similar characteristics approved by the Competent Environmental Authority, with the prior favorable opinion of the MINAM. If the Competent Environmental Authority has not approved such terms of reference,

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the Titleholder may use the basic terms of reference contained in Annex IV to the SEIA Act Regulations, approved by Supreme Decree No. 019-2009-MINAM.

### **Section 32.- EIA-d Evaluation Procedure**

The EIA-d evaluation procedure shall be carried out pursuant to Sections 27 and 28 of these Regulations.

Furthermore, the requirements to submit the EIA-d are governed by the provisions set forth in Section 19 of these Regulations.

## TITLE IV

### **GRANTING AND VALIDITY OF THE ENVIRONMENTAL CERTIFICATION**

#### **Section 33.- Issuance of the Resolution**

Upon completion of the review and evaluation of the Environmental Study, the Competent Environmental Authority shall issue the respective Resolution, accompanied by a supporting report, which is an integral part thereof and is public in nature. The report must contain at least the following information:

1. Background (information on the Titleholder, the investment project or Hydrocarbon Activity, and the administrative procedures carried out).
2. Description of the project or Activity.
3. Summary of the binding and non-binding technical opinions issued by other competent authorities and summary of the citizen participation process.
4. Description of the significant environmental impacts and management measures to be adopted.
5. Summary of the obligations to be performed by the Titleholder, without prejudice to the full enforceability of all the obligations, terms and conditions established in the plans that are part of the Environmental Management Strategy of the Environmental Study, as provided for in

Sections 28 and 29 of the SEIA Act Regulations.

#### 6. Conclusions.

#### **Section 34.- Approval Resolution**

The Resolution that approves the Environmental Study constitutes the Environmental Certification, and entitles the Titleholder to obtain all other authorizations, licenses, permits, or other requirements necessary for the execution of the investment project.

The Environmental Certification requires the Titleholder to comply with all obligations to prevent, control, mitigate, rehabilitate, compensate, and manage the environmental impacts outlined in the Environmental Study and/or its Environmental Management Strategy, as applicable. Non-compliance shall be subject to the imposition of administrative sanctions by the Competent Environmental Enforcement Authority.

The granting of the Environmental Certification does not exempt the Titleholder from the administrative, civil or criminal liabilities that may result from the execution of its project or Hydrocarbon Activity pursuant to law.

#### **Section 35.- Disapproval Resolution**

If, as a result of the review and evaluation of the administrative file of the Environmental Study, it is found that the Environmental Study has not taken into account the approved Terms of Reference or that potential adverse environmental impacts derived from the project could have unacceptable effects, or any other relevant aspect is identified, the Competent Environmental Authority must issue a disapproval Resolution, which shall be notified to the Titleholder.

#### **Section 36.- Challenges**

The Resolutions issued by the Competent Environmental Authority may be challenged administratively as provided for in Law No. 27444.

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### **Section 37.- Validity of the Environmental Certification**

The Environmental Certification shall be rendered ineffective if the Titleholder does not start the works for project execution within a term not to exceed three (3) years after it is issued. This term may be extended by the Competent Environmental Authority only once at the supported request of the Titleholder for up to two (2) additional years. In the event that the Environmental Certification is rendered ineffective, the Titleholder must submit the Environmental Study with the relevant modifications in order to obtain a new Environmental Certification.

### **Section 38.- Start of Work Execution**

Before starting the works for project execution, the Titleholder must notify this fact to the Competent Environmental Authority and to the environmental enforcement and safety authorities.

### **Section 39.- Communication to SENACE and MINAM**

The Competent Environmental Authority shall communicate the Classification Resolutions and applications as well as the Environmental Certifications of the Hydrocarbon Activities corresponding to a DIA, an EIA-sd or an EIA-d, the Supplementary Environmental Management Instruments, and any other act that modifies the contents of the obligations of the parties responsible for the Hydrocarbon Activities, to the Ministry of the Environment and the National Service of Environmental Certification for Sustainable Investments (SENACE), by electronic means, for their respective registration, as appropriate.

The Competent Environmental Authority shall also communicate the above-mentioned Resolutions, accompanied by a copy of all relevant records, to the Competent Environmental Enforcement Authority and to OSINERGMIN, when appropriate, in both

physical and digital formats, for their respective supervision and oversight.

## TITLE V

### **MODIFICATION AND EXPANSION OF HYDROCARBON ACTIVITIES**

#### **Chapter 1**

#### **Modifications to and Expansions of Hydrocarbon Activities that Cause Minor Environmental Impacts**

### **Section 40.- Modifications to Components, Expansions and Technological Improvements with Minor Impacts**

Where it is necessary to modify components or make expansions in the Hydrocarbon Activities with an approved Environmental Certification which cause minor environmental impacts, or where there is the intention to introduce technological improvements in the operations, it shall not be necessary to amend the Environmental Management Instrument, and the Project Titleholder must submit to the Competent Environmental Authority, before implementation, a Supporting Technical Report indicating that it falls within such scenarios. Said authority shall express its agreement within a maximum term of fifteen (15) business days.

Furthermore, if the aforementioned modifications are within a Protected Natural Area under national administration and/or within its Buffer Zone or within a Regional Conservation Area, or may alter the water resources conditions according to the technical opinion issued by the National Water Authority (ANA), the appropriate Competent Environmental Authority shall request SERNANP and ANA, as applicable, to issue the respective binding technical opinions. The provisions set forth in the foregoing paragraphs shall not apply if, during the performance of the seismic activity, the Titleholder finds an alternative route with lesser environmental impact in the area of direct influence of the approved Environmental Study. In that case, the

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Titleholder shall send a prior written communication to the Competent Environmental Authority and the Competent Environmental Enforcement Authority describing the alteration in the components approved in the Environmental Study.

### Chapter 2

#### Modifications to and Expansions of Hydrocarbon Activities that Cause Significant Environmental Impacts

##### Section 41.- Modifications to and Expansions of Hydrocarbon Activities with Significant Environmental Impacts

In the case of modifications to and expansions of the Hydrocarbon Activity that may cause significant adverse environmental impacts, leading to substantial increases in factors such as the intensity or duration of the environmental impacts of the project or Activity, or the mitigation measures, the Titleholder must submit an application for Modification of the Environmental Study.

When it is considered that the significance of the environmental impacts identified as a result of the modification mentioned in the previous paragraph warrants a change in the category of the environmental study approved at the beginning of the activity, the submission of a new study shall be required.

##### Section 42.- Environmental Study Modification and Expansion Procedure

The procedure for evaluating the Environmental Study modifications and expansions shall be carried out pursuant to Sections 28 and 29 of these Regulations. Furthermore, the requirements to submit them are governed by the provisions set forth in Section 19 of these Regulations.

## TITLE VI

### INFORMATION TO BE SUBMITTED, CHARACTERISTICS AND CITIZEN PARTICIPATION

##### Section 43.- Information Submitted to the Competent Environmental Authority

Any documentation included in the administrative file of environmental impact assessment is public in nature, except for the information expressly identified as classified, privileged or confidential, as provided in the Consolidated Text of the Information Access and Transparency Act, Law No. 27806, approved by Supreme Decree No. 043-2003-PCM.

The Competent Environmental Authority shall keep confidential the technical, financial and other background information deemed necessary, as long as they are identified as classified, privileged or confidential information in accordance with the aforementioned Act. This is to ensure that the industrial aspects, inventions, patentable processes and other aspects of the proposed action are protected in accordance with the special laws that establish their confidential nature and with Decision 486 of the Andean Community - Common Industrial Property Regime. Said confidentiality shall be maintained by the State agencies receiving the Environmental Study or Supplementary Environmental Management Instrument from the Competent Environmental Authority. To this end, they must be informed on what portion of the information delivered is identified as classified, privileged or confidential.

The information that must be kept confidential may be established during the preparation of the Environmental Study. This information shall be provided as an annex to the respective Environmental Study.

In no case may the right to access public information be restricted with respect to documentation related to impacts, characteristics or circumstances that require the submission of an Environmental Study or with respect to any circumstances that imply a risk or adverse impact to human health or the environment.

##### Section 44: Submission of Information in Spanish and in the

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### **Predominant Language in the Execution Area**

The Environmental Studies or any other Supplementary Environmental Management Instrument submitted by the Titleholder to the Competent Environmental Authority must be in Spanish. This requirement also applies to tables, charts, boxes, maps, figures, diagrams, flowcharts, drawings, any type of annexes, which are included as part of such studies or instruments.

Additionally, the Competent Environmental Authority may request that the Executive Summary of the Environmental Study or Supplementary Environmental Management Instrument be also written in the language or dialect predominant in the locality where the investment project is planned to be executed. Where the predominant language in the execution zone prevents or makes written translation of the study difficult, the Competent Environmental Authority may request the submission of a tape recording, in digital audio format or any other suitable means, of the aforementioned executive summary for dissemination.

The drawings, maps, diagrams, flowcharts, and other documents of a similar nature must be duly signed by the specialist professional in the field being represented. Furthermore, the Environmental Study or Supplementary Environmental Management Instrument must be properly paginated and organized according to the content of the environmental study as determined in the Terms of Reference.

### **Section 45.- Citizen Participation**

Citizen participation is a public, dynamic, and flexible process that takes place throughout the lifecycle of the Hydrocarbon Activity, through the application of various mechanisms. Its purpose is to provide timely and adequate information to the involved population regarding planned or ongoing Hydrocarbon Activities, promoting dialog and consensus building. It aims to understand and channel

opinions, positions, viewpoints, observations, or contributions regarding activities for the decision-making of the Competent Environmental Authority in the administrative procedures under its responsibility.

For Hydrocarbon Activities, citizen participation shall be carried out according to the provisions of the current citizen participation laws.

### **Section 46.- Public Information of Environmental Studies**

The appropriate Competent Environmental Authority shall make available to interested parties the public documents that are part of the environmental study evaluation file.

## TITLE VII

### **TECHNICAL PROVISIONS APPLICABLE TO HYDROCARBON ACTIVITIES**

#### **Chapter 1**

#### **Flora, Fauna and Ecosystem Protection**

### **Section 47.- Prohibition of Activities Involving the Use of Wild Flora and Fauna Species**

The Titleholder, its personnel, its subcontractors, and the personnel of subcontractors shall be strictly prohibited from engaging in hunting and fishing activities, collecting wild terrestrial and aquatic flora and fauna species, maintaining animals in captivity, and introducing exotic species into the national territory and/or concession areas, except for those species used for bioremediation, provided they are authorized by the Competent Environmental Authority.

### **Section 48.- Deforestation**

The deforestation activities that involve direct impacts to flora, fauna, and ecosystems shall be carried out in such a way as to minimize the impacts, respecting the restrictions and specific procedures identified in the respective Environmental Study. Special attention shall be given to the protection of nesting areas, clay licks,



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seed trees, and threatened species, as well as others that, due to their nature, have conditions for relevant ecological processes, as determined by the Competent Authority, without prejudice to compliance with current laws and the regulations of Section 24 of Law No. 30230.

### Section 49.- Abstentions

The personnel of the Titleholder and their subcontractors must refrain from promoting the purchase and consumption of meat, skins, handicrafts, souvenirs, or similar items derived from threatened wild flora and fauna species.

### Section 50.- Effluent Contamination Prevention

Maintenance areas for equipment and machinery must have the necessary measures to prevent soil contamination, control effluents, manage runoff water, and implement other measures outlined in the Environmental Study.

## Chapter 2 Handling and Storage of Hydrocarbons and Chemicals

### Section 51.- Hydrocarbons and Chemicals Handling and Storage Measures

For Hydrocarbon handling and storage, the Hydrocarbon Activity Titleholder shall comply with the measures established in the applicable sectorial regulations, among them:

- Safety Regulations for Hydrocarbon Storage, approved by Supreme Decree No. 052-93-EM, as amended.
- Provisions on gas flaring contained in Supreme Decree No. 048-2009-EM.
- Regulations on Hydrocarbon Transportation by Pipelines, approved by Supreme Decree No. 081-2007-EM.
- Other provisions on the subject.

### Section 52.- Chemicals Handling and Storage

The handling and storage of chemicals in general must take place in secure and impermeable areas, shielding them from environmental factors, with containment systems to prevent contamination of air, soil, surface water, and groundwater. Guidance from Material Safety Data Sheets (MSDS) provided by manufacturers, as well as the current general and specific laws, shall be followed.

## Chapter 3 Personnel and Cargo Transportation

### Section 53.- Requirements for Transportation

For the analysis of alternative modes of cargo and personnel transportation, priority consideration shall be given to the use of river or air transportation for projects located in the Amazonian region. For land transportation, preference shall be given to the use of existing access routes (paved or unpaved roads), adapting them to climatic conditions and operational requirements.

The construction of new access routes shall be authorized based on the determination of appropriateness from the analysis of alternatives. In the construction of roads, especially in rainy areas and those with high wind incidence, appropriate technologies or methods shall be applied to prevent overflow, channeling, and erosion.

At river crossings, streams, or natural drainage channels for rainwater, facilities must be built in accordance with the natural regimes of these courses to prevent erosion of their beds or banks. Construction works shall be executed in a way that does not hinder the normal migration of aquatic fauna.

In cutting and filling works, slope ratios appropriate to the terrain's characteristics and the risk of erosion in the area must be applied.

For air transportation, aircraft (helicopters or others) must adhere to previously authorized routes, avoiding low-altitude overflights over particularly sensitive areas previously identified in the Environmental Study (such as clay licks or

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others), except in emergencies or rescue operations.

Hazardous products shall be transported in accordance with the applicable laws.

If the project involves an impact on the public road system (such as the construction of overpasses/underpasses, bypasses, or others), these works must be designed according to the technical and environmental specifications defined by the Ministry of Transportation and Communications (MTC). In such cases, the Environmental Study must receive the opinion of this sector.

If the project entails the development or conditioning of port facilities, these works must be designed according to the technical and environmental specifications defined by the competent authorities. In such cases, the Environmental Study must receive their opinion.

### Chapter 4

#### **Hydrocarbon Activities inside Natural Protected Areas under National Administration and/or their Buffer Zones and Regional Conservation Areas.**

#### **Section 54.- Hydrocarbon Activities in Protected Natural Areas**

The Hydrocarbon Activities that take place within Protected Natural Areas under national administration and/or their Buffer Zones and Regional Conservation Areas must obtain a favorable technical opinion from SERNANP, and must be conducted in accordance with the applicable laws, the Management Plan, and the respective Master Plans.

### Chapter 5

#### **Waste, Effluents and Emissions Management**

#### **Section 55.- Solid Waste Management**

Solid waste from any Hydrocarbon Activity shall be managed in accordance with Law No. 27314, General Solid Waste

Act, and its Regulations approved by Supreme Decree No. 057-2004-PCM, and its amending, replacing, supplementary provisions and all other applicable sectorial laws.

Only the infrastructures authorized by Law and the Competent Environmental Authority may be used for the temporary storage and final disposal of solid waste. Moreover, the Hydrocarbon Activity Titleholders must avoid the accumulation of solid waste.

Inorganic solid waste shall be managed as established in Law No. 27314 and its Regulations.

Organic solid waste shall be processed using incinerators, biodegradation or other environmentally accepted methods.

#### **Section 56.- Management of Other Types of Waste**

The Titleholders that generate solid waste in areas that are not under municipal management shall submit to the Competent Environmental Enforcement Authority an Annual Solid Waste Management Declaration and a Solid Waste Management Plan. Additionally, a Hazardous Solid Waste Management Manifest must be available for each hazardous waste transfer operation, in accordance with the provisions of the current legal framework.

#### **Section 57.- Waste or Effluents Disposal**

The disposal of waste or liquid effluents into water bodies or courses and onto land is prohibited without the proper authorization from the relevant authorities.

Before final disposal, Industrial Wastewater, as well as domestic wastewater, shall be segregated and treated separately to comply with the respective Maximum Permissible Limits (MPL) in force. The Titleholder must demonstrate, through dispersion models or other studies, that the disposal of wastewater will not affect the current or anticipated future uses of the receiving body.

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### **Section 58.- Monitoring at Effluents and Emissions Control Points**

The Hydrocarbon Activity Titleholders are required to conduct monitoring at the respective control points for the effluents and emissions coming from their operations, and to perform the appropriate physical and chemical analyses, with a frequency to be approved in the relevant instrument. The monitoring reports shall be submitted to the Competent Environmental Authority on the last business day of the month following expiry of each monitoring period. Furthermore, they must submit a copy of such reports to the Competent Environmental Enforcement Authority.

### **Section 59.- Maximum Permissible Limits and Environmental Quality Standards**

The atmospheric emissions must comply with the corresponding Maximum Permissible Limits in force. The Titleholder must demonstrate, by using dispersion models, the impact of the arrangement of atmospheric emissions on the Environmental Quality Standards for Air in areas where sensitive receptors are located. The Competent Environmental Authority may impose restrictions on the flow rates of atmospheric emissions when they could affect compliance with the Environmental Quality Standards for Air.

The equipment shall be designed, selected, operated and maintained in such a manner as to reduce or eliminate fugitive emissions.

### **Section 60.- Environmental Quality Standards for Noise**

Noise emissions must be controlled so as not to exceed the values established in the National Regulations on Environmental Quality Standards for Noise, approved by Supreme Decree No. 085-2003-PCM, and its amending, replacing and supplementary provisions, which are currently in force.

### **Section 61.- Marine Exploration**

In the case of marine exploration activities, the use of low-impact sound equipment and technology shall be prioritized, considering scientific studies that determine sensitivity and risk thresholds for marine cetaceans or other key species vulnerable to the sound waves generated by exploration.

## **Chapter 6**

### **Peoples in Isolation or Initial Contact**

### **Section 62.- Hydrocarbon Activities in Territorial Reserves or Indigenous Reserves**

The Hydrocarbon Activities that take place in Territorial and Indigenous Reserves shall be performed in accordance with the laws established by the competent authority on the subject, which shall be set forth and detailed in the corresponding Environmental Study.

## **Chapter 7**

### **Prevention, Risk Assessment, and Contingency Plans**

### **Section 63.- OSINERGMIN Opinion**

The Risk Assessment and Contingency Plan shall be included in the corresponding Environmental Study and the Competent Environmental Authority shall forward them to OSINERGMIN to obtain the Prior Technical Opinion, after which they shall be approved by the Competent Environmental Authority. Said documents shall be prepared based on the content of the approved ToR for the Environmental Study and the rules and regulations established by OSINERGMIN on the matters under its jurisdiction. The deadline for OSINERGMIN to issue its opinion shall be subject to Section 28 of these Regulations, as applicable.

### **Section 64.- Personnel Training**

All personnel, both the Titleholder's own and its subcontractors, shall receive up-to-date training on the environmental aspects associated with their activities and responsibilities, especially regarding the

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standards and procedures established for Environmental Protection in Hydrocarbon Activities, as well as the environmental and legal consequences of noncompliance. Visitors to hydrocarbon facilities shall receive an informational talk covering safety and environmental protection.

Titleholders must have a Training Plan for environmental topics, which shall be fulfilled annually and submitted as part of the Annual Environmental Report to the Competent Environmental Enforcement Authority.

### **Section 65.- Dissemination and Early Warning Mechanisms**

The Titleholder shall establish and implement dissemination and early warning mechanisms for the population neighboring the Hydrocarbon Activities in case of spills, fires, and other incidents caused by human action or natural phenomena.

### **Section 66.- Losses and Emergencies**

In the event of losses or emergencies with negative consequences on the environment caused by the performance of Hydrocarbon Activities, the Titleholder shall take immediate measures to control and minimize the impacts thereof, according to its Contingency Plan.

Areas that, for any reason, are contaminated or affected by losses or emergencies in Hydrocarbon Activities shall be decontaminated or, if applicable, rehabilitated in the shortest time possible, taking into account the magnitude of the contamination, environmental damage, and the risk of maintaining that situation.

Once the contingency has been overcome, if supplemental rehabilitation is required, in the opinion of the Competent Environmental Enforcement Authority, the Titleholder shall submit a Rehabilitation Plan to the Competent Environmental Authority for evaluation. The execution of the rehabilitation shall be supervised and overseen by the Competent Environmental Enforcement Authority. Rehabilitation does not exempt the Titleholder from any

payment of fines or indemnity for damages to third parties.

Once submitted, the application for Rehabilitation Plan shall be reviewed by the Competent Environmental Authority within a maximum term of twenty (20) business days. If any observations are raised, they shall be notified only once to the Titleholder so that it may correct them within a term not to exceed ten (10) business days, under warning of declaring the abandonment of the procedure.

Rehabilitation Plans shall be signed by the Titleholder and at least two (2) professionals licensed by the corresponding Professional Association, who shall have training and experience in environmental matters.

### **Section 67.- Declaration of Environmental Emergency**

In cases where a situation of Environmental Emergency is declared in accordance with the procedures established in Law No. 28804 and its regulatory provisions, the Titleholder shall perform and assume the corresponding obligations set forth in the specific action plans for each case.

### **Section 68.- Incidents and Incident Reports**

In case of any incident that may cause an adverse environmental impact, as well as any report regarding such incidents, both OSINERGMIN and the Competent Environmental Enforcement Authority shall visit the site of the incident, so that the investigation into the cause and verification of the measures for mitigation of the impacts caused can be done adequately, on a coordinated basis, in the shortest possible time.

The Hydrocarbon Activity Titleholder shall keep records of incidents involving leaks and spills of Hydrocarbons or any other hazardous chemical substance handled as part of its activities. It shall also inform OEFA of the incident in accordance with the rules established by OEFA for such purpose. Management of contaminated sites in any of its activities shall be done

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using efficient, environmentally approved methods. The Incident Records shall be reported to OEFA on a monthly basis.

### **Section 69.- Use of Radioactive Material**

The use of radioactive material in Hydrocarbon Activities must be authorized by the Peruvian Institute of Nuclear Energy (IPEN), in accordance with Supreme Decree No. 009-97-EM, Regulations on Radiological Safety in Industrial Activities, and all other rules and guidelines established by said entity.

### **Section 70.- Disposal of Cuttings and Debris**

The Environmental Study shall establish the maximum volumes, locations, and techniques for the disposal of cuttings and debris, taking into account the geography, topography, and dynamic of the ecosystem.

### **Section 71.- Emergency Response Equipment and Materials**

All terminals and offshore and lake rigs shall have suitable equipment to contain spills, and all full-time personnel shall be adequately equipped and trained in its use. Technical support and a specialized team shall be available to support local personnel at the Operator's request, within twelve (12) hours of receiving said request. The technical support team hired shall periodically train and evaluate full-time local personnel. OSINERGMIN shall verify the availability of emergency response and personnel training equipment and materials.

## TITLE VIII

### SPECIFIC PROVISIONS ON EACH PHASE

#### Chapter 1 Geophysical Surveys

### **Section 72.- Unpaved Roads**

During the geophysical survey, vegetation cleared to make unpaved roads

shall be limited to a maximum clearing area of two (2) meters wide for all purposes. Plant species with a diameter at breast height (DBH) of more than ten (10) centimeters shall not be cut, and the felling of endemic specimens, those with commercial value, and species listed in any threat category shall be avoided. When the activity involves a Protected Natural Area under national administration and/or its Buffer Zones, or a Regional Conservation Area, the Titleholder shall notify the relevant Head Office of the start of its activities.

### **Section 73.- Use of Explosives**

The use of explosives shall comply with the rules and provisions of the National Superintendence for Security Services, Weapons, Munitions, and Explosives for Civilian Use (SUCAMEC), as well as the following considerations:

a) The blast points used shall be filled, compacted with earth or appropriate materials, and covered on the surface, respecting the original contours of the terrain.

b) Charges shall be detonated at surface distances of more than fifteen (15) meters from surface water bodies, except in the case of swampy or marshy areas.

c) Protective blankets shall be used when detonating explosives in places near buildings or dwellings.

d) Neighboring populations shall be informed of the occurrence and duration of the explosions with sufficient advance notice, taking into account their activities and customs. The minimum advance notice shall be established in the Environmental Study.

e) Note and observe the minimum distances established in Annex 2. The use of explosives is not permitted in the sea, nor in water bodies or courses.

### **Section 74.- Area Rehabilitation**

2D or 3D seismic activities shall be performed according to a work schedule, and the area shall be rehabilitated according to the Abandonment Plan

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approved in the Environmental Study. Once the abandonment activities have been completed, the Titleholder shall notify the Competent Environmental Enforcement Authority of such fact within ten (10) business days after the completion of the Abandonment Plan.

Rehabilitation shall take into account the prior characteristics and conditions of the area and its future use, which shall be contained in an activity schedule to be submitted to OEFA before the start of rehabilitation.

### **Section 75.- Seismic Exploration at Sea**

For seismic prospecting Activities at sea, Titleholders shall comply with the following provisions applicable to any Environmental Study category:

a) To start seismic data collection, the air bubble (sound source) shall be emitted via the gradual start-up of the sources (ramp-up and soft start) until reaching the full level required for recording. This procedure shall be repeated each time the vessel stops or decreases the noise emission (below operating level) and must recommence operations.

b) Establishment of a Protection Area for marine mammals to avoid affecting them. This area is defined as a 500-meter radius from the location of the air chambers, with the exception of the species *Balaenoptera musculus*, or blue whale, whose Protection Area is defined as a 1,000-meter radius from the location of the air chambers.

c) Implementation of marine mammal monitoring by a Marine Mammal Observer (MMO). If the presence of mammal species is detected within the protection area, without prejudice to the administrative measures that may be taken by OEFA, the Titleholder shall proceed to halt the emission of the air bubble (sound source) until said species have left that area. The MMO shall be supported by Passive Acoustic Monitoring (PAM) personnel. Once thirty (30) minutes have elapsed without any mammals being

sighted in the Protection Area, the vessel (shall commence or recommence) its seismic logging, according to the procedure established in point a) above.

## **Chapter 2 Drilling Exploratory and Development Wells**

### **Section 76.- Location of the Drilling Rig and Others**

The location of the drilling rig and related facilities shall be selected in such a way as to cause the fewest earthworks possible, taking into account the geological and topographic conditions, as well as access to the required areas.

### **Section 77.- Notification of Enforcement Authorities**

Once well drilling activities have been completed, the Titleholder shall inform the Competent Environmental Enforcement Authority of this fact, along with the status of the well, within no more than ten (10) business days following the completion of drilling. The same conditions shall apply each time the well status changes. When the Permanent Abandonment of the well is carried out, provided there are no more wells or facilities at the location, the area shall be rehabilitated.

The remediation and/or rehabilitation of the area shall take into account the area's prior characteristics and conditions and its future use.

### **Section 78.- Construction of Onshore Drilling Rigs**

Construction of onshore drilling rigs shall include:

a) A detailed geotechnical study, including detailed management plans for slope stability and erosion and sediment control.

b) A detailed evaluation of the natural drainage system at the location to determine detailed management measures.

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c) Specifications regarding the drilling rigs indicated in the Regulations on Hydrocarbon Exploration and Exploitation Activities, approved by Supreme Decree No. 032-2004-EM, as amended and substituted.

### **Section 79.- Drill Cuttings Pits**

Drill cuttings pits shall have impermeable membranes or another material that makes it possible to isolate the cuttings from the soil. They shall also be protected from rain or high winds, preventing rainwater from entering the pits and particulate matter from escaping the pits.

### **Section 80.- Final Disposal of Drill Cuttings**

The final disposal of drill cuttings shall be done according to their location and the existing logistic facilities, to be evaluated in the corresponding Environmental Study. For such purpose, the following alternatives may be used:

a) In highly sensitive areas, the drill cuttings shall be disposed of through reinjection.

b) In areas with onshore access and suitable geographic conditions, the final disposal of cuttings shall be done by an authorized Solid Waste Management Services Company (EPS-RS).

c) In areas where neither the reinjection nor the transportation of cuttings is feasible, disposal shall be performed at the site. For such purpose, the cuttings must be treated to ensure compliance with the Environmental Quality Standards for soil currently in force.

### **Section 81.- Pit Closure**

Once drilling has been completed and the cuttings have been disposed of, the pits shall be closed using techniques selected according to best practice in Hydrocarbon Activities, the geographic conditions at the location, and the characteristics of the fluids used during drilling, as well as the sensitivity of the

ecosystem where operations are being performed.

The selected techniques shall ensure the protection of the soil, surface water, and groundwater aquifers, which shall be described in the Environmental Study.

### **Section 82.- Final Disposal of Drilling Muds**

The final disposal of water-based drilling muds shall be done via dehydration and disposal by an EPS-RS. The liquid obtained from dehydration may be dumped in a receiving body after being treated. This process must comply with the MPLs for the Hydrocarbon Sector, taking into account the quality of the receiving body based on the established EQS.

Non-water-based muds and water-based muds mixed with toxic chemical additives or Hydrocarbons shall be disposed of as hazardous solid waste by an EPS-RS.

### **Section 83.- Drilling Rigs and Offshore/Lake Activities**

**83.1.** Drilling rigs located offshore or in lakes shall have a system for the collection of wastewater, as well as chemical products, lubricants, and fuels spilled on the rig. Furthermore, the discharge of effluents and other waste shall meet the requirements established by the Maritime Authority. Organic waste may be processed using incinerators, biodegradation, or other environmentally acceptable methods to facilitate their transportation to shore for final disposal, according to the rules and regulations in force.

**83.2.** On drilling rigs located offshore or in lakes, waste shall be managed as follows:

a. Drill cuttings shall be temporarily stored and disposed of onshore for treatment, disposal, and/or elimination through an authorized Solid Waste Management Services Company (EPS-RS). As an exception, in the case of

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deepwater drilling where it is necessary to install blowout preventers (BOPs) in the seabed, drill cuttings may be disposed of on the ocean floor until it is possible to install pipes (surface casing) to support the BOP. Said cuttings shall not be contaminated, nor contain hazardous substances. Moreover, when the project is located outside a Protected Natural Area and/or Buffer Zone, sensitive areas (natural banks of benthonic resources and reefs), or at a distance of more than five nautical miles, the final disposal of clean drill cuttings may be performed. Said cuttings shall not be contaminated, nor contain hazardous substances. Additionally, hydrodynamic modeling studies must be performed to prove that no significant effects will be caused to the environment.

These exceptions may be performed with the prior Technical Opinion of the Peruvian Harbor Master and Coastguard Authority (DICAPI). Said opinion shall be requested by the Competent Environmental Authority during the evaluation of the Environmental Study.

b. Water-based muds shall be dehydrated and transported to shore, where they shall be handled by an EPS-RS. The liquid obtained from dehydration may be dumped into the sea or lakes after being treated, provided it complies with the Maximum Permissible Limits (MPLs) for the Hydrocarbon Sector, evaluating the quality of the receiving body based on the established Environmental Quality Standards (EQS).

c. Non-water-based muds and water-based muds mixed with toxic chemical additives or hydrocarbons, as well as inorganic, industrial, domestic, and noncombustible waste, shall be transported to shore and handled by an EPS-RS.

d. Wastewater from the rigs and rainwater, if contaminated with hydrocarbons, shall be collected, treated, and discharged into the sea or lakes, provided it complies with the MPLs for the Hydrocarbon sector components, taking into account the quality of the receiving body based on the established EQS, as

well as the respective authorizations of the Competent Authority.

e. Organic solid waste may be processed using incinerators, biodegradation, or other environmentally acceptable methods to facilitate their transportation to shore for final disposal, according to the rules and regulations in force.

f. The accumulation of solid waste on rigs shall not be permitted.

### Section 84.- Emissions and Effluents

Emissions and effluents shall be permitted provided they comply with all authorizations and the environmental legal framework, as well as the following provisions:

a) The Burning of Hydrocarbons is subject to Supreme Decree No. 048-2009-EM, with the authorization of the General Hydrocarbons Bureau (DGH), in controlled conditions for complete combustion.

b) The water produced in production tests during the exploration stage may be re-injected or dumped into a receiving body after treatment, provided it complies with the Maximum Permissible Limits (MPLs) for the Hydrocarbons Sector, evaluating the quality of the receiving body based on the EQS for water and other supplementary rules.

### Section 85.- Well Cementing Rules

Wells shall have pipes covered by a cement casing all the way to surface level. These pipes shall be subject to the cementing rules set forth in detail in the Hydrocarbon Exploration and Exploitation Regulations, approved by Supreme Decree No. 032-2004-EM, as amended or replaced.

## Chapter 3 Exploitation

### Section 86.- Final Disposal of Produced Water



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The final disposal of Produced Water shall be performed via reinjection. The method and its habitual techniques, as well as the receiving formation (reservoir), shall be approved with the corresponding Environmental Study.

The final disposal of Produced Water resulting from the reinjection system shall be performed using systems designed and operated in accordance with the following specifications:

a. It can be injected directly via the casing if the injection pressure is less than 80% of the maximum internal pressure permitted for this type of pipelines. Otherwise, each injection well shall have injection piping laid with packing above the upper part of the final disposal area and below potable groundwater sources.

b. The surface casing pipe for each injection well shall fill the gap until reaching below the deepest groundwater source other than the formation water. The casing pipe shall also be cemented until reaching the surface.

c. Every five (5) years, each injection well shall undergo Mechanical Integrity Testing. The testing report shall be submitted to the Enforcement Authority for Technical and Safety Matters and the Competent Environmental Enforcement Authority.

d. Mechanical Integrity Testing may be substituted with the monthly control and logging of the pressure in the annular space between the casing and the injection pipe during the actual injection process. The logs shall be evaluated annually by an inspector/auditor hired by the operator, whose report shall be submitted to the Enforcement Authority for Technical and Safety Matters and the Competent Environmental Enforcement Authority. This report shall contain the inspector/auditor's conclusions regarding the mechanical condition of the injection system and recommendations for continued use.

e. In the Environmental Study, the operator shall propose supplemental specifications for the system's proper

functioning and the effective protection of water, soil, and the ecosystem as a whole. For such purpose, the Titleholder shall propose the establishment of piezometric monitoring wells in its environmental study for the purpose of verifying that water resources meet environmental quality standards.

### **Section 87.- Secondary or Improved Recovery**

In Hydrocarbon Exploitation operations where water is required for secondary or improved recovery tasks, the Produced Water shall be used first. The use of surface water, groundwater, or sea water may be authorized when the Environmental Study proves that the available Produced Water is insufficient, with the prior technical opinion of the National Water Authority (ANA). The Environmental Study shall include an analysis and discussion of the current uses and foreseeable future uses of the water source, particularly its suitability as a source for human consumption, as well as the corresponding authorizations of the Competent Authority.

### **Section 88.- Containment Systems**

Production rigs, both onshore and offshore, shall have leak and spill containment, collection, and treatment systems equivalent to containment systems for liquid Hydrocarbon handling systems, with a capacity appropriate for the volumes handled.

## **Chapter 4 Processing or Refining**

### **Section 89.- Basic Guidelines**

The following basic guidelines shall be implemented for all facilities:

a) All processing areas, except the tank area and the pipeline corridors, shall be installed on concrete slabs and have a leak collection system, pump drainage, sampling point drainage, etc.

b) Processing or refining facilities with maritime terminals shall meet the

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requirements established by the Maritime Authority.

c) Emissions and effluents shall comply with the MPLs in force, as well as the corresponding EQS.

### Chapter 5 Hydrocarbon Transportation

#### Section 90.- Safety in Hydrocarbon Transportation

Pipes shall comply with the provisions of Supreme Decree No. 26-94-EM, Safety Regulations for Hydrocarbon Transportation, as amended or substituted.

#### Section 91.- Pipeline Construction Specifications

Pipeline construction shall affect the environment as little as possible, complying with the following specifications:

a) When laying pipes, the Titleholder shall perform detailed geotechnical studies, slope stabilization studies, and erosion studies and control mechanisms; and establish topsoil storage areas and areas for the disposal of cuttings, surplus material, and cleared vegetation.

b) The right of way shall be established using construction methodologies and methods with the least possible impact on the environment, especially in areas with levels of high precipitation and significant erosion. For such purpose, the Titleholder shall design the installation of the pipelines using the best possible technology and methods.

c) Vegetation clearance and removal of felled material shall be performed exclusively within established areas and/or the right of way, as approved in the Environmental Study.

d) After completing pipeline assembly, the intervened areas and the road shall be reestablished using the previously stored topsoil and cleared vegetation.

e) Depending on the degree of soil erosion and rainfall intensity, stabilization measures shall be implemented using suitable materials for such purpose and/or

structural devices such as aqueducts, diversion channels, longitudinal and transverse channels, and special crossings for rivers and streams.

f) During pipeline construction, overhead crossings and tunnels may be established in the Environmental Study. Their detailed design shall be approved by OSINERGMIN.

#### Section 92.- Hydrocarbon Transportation by Barges or Tankers

Hydrocarbon transportation by barges or tankers shall comply with the safety requirements established by the Peruvian Harbor Master and Coastguard Authority (DICAPI). Any discharge of fluids from such vessels shall be performed in accordance with the MARPOL Convention and other international conventions signed and ratified by the State, as applicable to maritime, river, or lake operations.

#### Section 93.- Loading and Unloading Terminals

Maritime, river, and lake terminals for loading and unloading shall have systems for the reception, treatment, and disposal of the liquid and solid waste generated on the vessels, in accordance with the requirements of the maritime authority and the respective regulations.

#### Section 94.- Hydrocarbon Transportation on Land

Vehicles used to transport Hydrocarbons on land shall comply with the current laws applicable to the Energy and Mines sector, such as the Regulations for the Marketing of Liquid Fuels and Other Hydrocarbon Byproducts, approved by Supreme Decree No. 030-98-EM; the Regulations for the Marketing of Liquid Fuels and Other Hydrocarbon Byproducts, approved by Supreme Decree No. 045-2001-EM; the Safety Regulations for Hydrocarbon Transportation, approved by Supreme Decree No. 026-94-EM; the Safety Regulations for Liquefied Petroleum Gas Facilities and Transportation, approved by Supreme Decree No. 27-94-EM; the Safety Regulations for

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Hydrocarbon Activities, approved by Supreme Decree No. 043-2007-EM; and the National Regulations on the Transportation of Hazardous Materials and Waste, approved by Supreme Decree No. 021-2008-MTC, as applicable, as well as any other provisions established by the Ministry of Transportation and Communications and OSINERGMIN, if applicable.

### **Section 95.- Cleaning and Conditioning Facilities**

The cleaning and conditioning of tanks, barges, flatbottom vessels, and vessel cargo tanks shall be performed at facilities with appropriate systems for the management of the effluent and waste generated by said activities.

### **Section 96.- Marine, River, and Lake Operations**

Marine, river, and lake operations for the loading and unloading of vessels, and the prior deployment of spill containment equipment by the vessel, shall be subject to the provisions established by the Peruvian Harbor Master and Coastguard Authority (DICAPI).

## TITLE IX

### **SUSPENSION AND TERMINATION OF THE HYDROCARBON ACTIVITY**

#### **Chapter 1**

#### **Suspension of Hydrocarbon Activities**

### **Section 97.- Temporary Suspension of Activities**

When the Titleholder decides to temporarily suspend its activities, either in whole or in part, it must previously notify such decision to the Competent Environmental Authority and the Competent Environmental Enforcement Authority, proposing the length of suspension and accompanying its commitment to comply with the measures established in its approved Environmental Study, in order to guarantee environmental quality as well as incident prevention and

control for the duration of the suspension. The activities shall be resumed by previously notifying such fact to the respective Competent Environmental Authority and the Competent Environmental Enforcement Authority.

### **Chapter 2 Abandonment of a Hydrocarbon Activity, area and/or facility**

### **Section 98.- Activity Abandonment**

The Titleholder must submit the respective Abandonment Plan or Partial Abandonment Plan to the Environmental Authority that approved the Environmental Study, when, whether in whole or in part, a Hydrocarbon Activity is terminated and/or facilities, areas or blocks are abandoned prior to their final removal. The situations that give rise to abandonment and that, consequently, require the mandatory submission of the respective Abandonment Plan are listed below:

a) According to the expiry date of the Block Agreement.

b) When the Titleholder decides to put an end to the Hydrocarbon Activity or return the Block.

c) When the relinquishment of areas is performed, unless PERUPETRO S.A. determines the contrary due to the non-performance of activities or any other circumstance it may deem appropriate.

d) When instructed by the Competent Environmental Enforcement Authority.

### **Section 99.- Contents of the Abandonment Plan**

The Abandonment Plans must consider the foreseeable future use of the area, the current geographical conditions and the original conditions of the ecosystem. They must include decontamination, restoration, reforestation, removal of facilities, and other actions that may be necessary to abandon the area, as well as the execution schedule. For these purposes, the Titleholder must consider the findings identified in environmental

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enforcement actions conducted on their activities. The Abandonment Plan must align with the abandonment actions described in the approved Environmental Study.

Without prejudice to the supplementary provisions that may be enacted with regard to the Abandonment Plan, it must contain a sworn statement indicating that there are no pending commitments approved in the Environmental Study with the populations residing in the project's area of influence. This sworn statement may be subjected to a subsequent enforcement action of the competent Authority, with the provisions of Section 32.3 of Law No. 27444 being also applicable.

### **Section 100.- Performance Guarantee**

Simultaneously with the submission of the request for approval of the Abandonment Plan, the Hydrocarbon Activity Titleholder shall provide a Performance Guarantee (Letter of Guarantee) for the commitments contained in such Plan. The Guarantee shall be issued by a Peruvian financial system entity in favor of the Ministry of Energy and Mines in an amount equal to seventy-five percent (75%) of the total amount of the investments involved in the proposed Abandonment Plan. The Guarantee shall remain in force until a favorable opinion is issued by the Competent Environmental Enforcement Authority.

The Performance Guarantee of the Abandonment Plan may not be released until the Competent Environmental Enforcement Authority, pursuant to the applicable statutory provisions, informs the Competent Environmental Authority on the satisfactory execution of such Plan.

During the preparation, review, approval and execution of the above-referred Plans, the Titleholder shall monitor the facilities and the area to prevent and control, if applicable, the occurrence of contamination incidents or environmental damage.

### **Section 101.- Review of Abandonment Plans**

After the application for Abandonment Plans or Partial Abandonment Plans is submitted, the respective Competent Environmental Authority shall review said application within a term not to exceed thirty (30) business days.

If any observations are raised, they shall be notified only once to the Titleholder so that it may correct them within a term not to exceed twenty (20) business days, under warning of declaring the abandonment of the procedure.

If applicable, the Competent Environmental Authority must submit the Abandonment Plan and the Partial Abandonment Plan to the National Service of State-Protected Natural Areas (SERNANP) to obtain the respective favorable technical opinion, as well as to the entity deemed appropriate for the issuance of the respective technical opinion.

None of the activities contemplated in the Abandonment Plan and the Partial Abandonment Plan may be performed until they are approved by the Competent Environmental Authority.

The Abandonment Plans and Partial Abandonment Plans shall be prepared and signed by an interdisciplinary team consisting of no less than three (3) professionals licensed by the respective Professional Association and who have the necessary training and experience in environmental aspects as appropriate to the characteristics of said plans; or by a consulting firm registered in the Registry of Entities authorized to prepare Environmental Studies.

While the Abandonment Plans or Partial Abandonment Plans are under subject to observations, the term for the operation of the negative administrative silence shall not be computed.

Exceptionally, the indicated terms may be extended *ex officio* by the Competent Environmental Authority, considering the specific characteristics and complexity of the particular case.

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### **Section 102.- Partial Abandonment Plan**

A Partial Abandonment Plan may be submitted when the Titleholder plans to abandon certain areas or facilities of its activity.

Furthermore, when the Titleholder has ceased to operate a part of a Block or facility, as well as the associated infrastructure, for a period of over one (1) year, a Partial Abandonment Plan must be submitted, under administrative responsibility sanctionable by the Competent Environmental Enforcement Authority. This obligation does not affect the Titleholder's prior duty to notify the cessation of its activities to the Competent Environmental Authority.

The partial abandonment does not require a Performance Guarantee.

### **Section 103.- Removal or Replacement of Equipment and/or Materials**

The removal or replacement of equipment and/or materials shall occur after notifying the Competent Environmental Authority, providing details on the geographical location (in UTM coordinates - DATUM WGS84) and technical characteristics.

In the event that the soil that was covered by such equipment and/or materials is exposed, the Titleholder shall conduct an inspection and, if signs of impact or degradation are found, the Titleholder shall conduct soil monitoring to verify such condition and take appropriate decontamination, rehabilitation or other necessary actions. This is without prejudice to considering such actions in the respective Abandonment Plan to be submitted.

### **Section 104.- Abandonment Plans based on the Expiration Date of the Agreement**

Regarding the submission of Abandonment Plans based on the expiration date of the agreement, these shall be submitted by the Hydrocarbon

Activity Titleholders to the Environmental Authority that approved the corresponding environmental study before the fifth year from the expiration date of their respective agreements, under administrative responsibility sanctionable by the Environmental Enforcement Authority. This is to ensure that such plans are evaluated, approved, implemented and monitored prior to the expiration date of their agreements.

For the evaluation of the Abandonment Plan, the Competent Environmental Authority may request other authorities to provide information on the Titleholder's performance on the development of its activities.

The contracting Entity shall include in all the new agreements it may enter into a clause that incorporates the provisions of this Section as well as all other provisions it may deem appropriate, provided that such clause is not contrary to them.

### **Section 105.- Area Relinquishment**

For the approval of the Area Relinquishment requested by the Hydrocarbon Activity Titleholder, the Contracting Entity must verify whether any activity has been actually performed in such area. For these purposes, without prejudice to requests for information from authorities deemed pertinent, the Contracting Entity must seek information from the Environmental Enforcement Authority, providing details of the involved area.

The area relinquishment does not exempt the Hydrocarbon Activity Titleholder from its responsibility concerning the impacts generated by it and/or contractually assumed with regard to the committed areas, nor from compliance with the rules related to the Abandonment Plan if actual activity has been verified.

### **Section 106.- Dissemination and Availability of the Abandonment Plan**

The process for the approval of the corresponding Abandonment Plan, as well as any documents deemed appropriate,

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must be disseminated on the Competent Environmental Authority's institutional website and communicated in writing to the involved Regional, Local, and Communal Authorities, as the case may be.

### TITLE X

#### ENVIRONMENTAL SUPERVISION AND ENFORCEMENT

##### **Section 107.- Environmental Supervision and Enforcement Authority**

The competent body responsible for supervising and enforcing these Regulations and its supplementary provisions as well as the environmental regulations derived therefrom is the Agency for Environmental Assessment and Enforcement (OEFA) and, in the applicable cases, the environmental enforcement entities (EFA).

##### **Section 108.- Environmental Obligations and Commitments of the Hydrocarbon Activity Titleholder**

The persons referred to in Section 2 of these Regulations and charged with the implementation of projects or the operation of Hydrocarbon Activities must submit to the Competent Environmental Enforcement Authority, as applicable, on a yearly basis and prior to March 31, a report corresponding to the previous fiscal year (Annex 4) providing a detailed and substantiated account of compliance with the rules and provisions of these Regulations, their supplementary provisions, and the environmental regulations applicable to them.

The scope, contents, procedure and timing for submission of the report referred to in the preceding paragraph may be changed by means of a Resolution issued by OEFA Board of Directors.

The obligations and commitments of the Hydrocarbon Activity Titleholder contained in the License and/or Services Agreements, the Environmental Studies and Supplementary Environmental Management Instruments approved by the Competent Environmental Authority, as

well as compliance with the current laws, are subject to environmental enforcement.

##### **Section 109.- Voluntary Mechanisms for Citizen Participation in Surveillance and Monitoring**

In application of the statutory provisions in force, in hydrocarbon projects, the Hydrocarbon Activity Titleholders may, in coordination and agreement with the local population, establish mechanisms for citizen participation in the surveillance and monitoring of their activities.

The participatory surveillance and monitoring mechanisms shall be governed by the principles of transparency, equity and respect for the social organizations and the legal framework.

The participatory surveillance and monitoring mechanisms do not substitute or replace the functions and competencies of the entities with enforcement, evaluation and control responsibilities; on the contrary, they shall be governed by a principle of complementarity and coordination.

### TITLE XI

#### COMPLAINTS

##### **Section 110.- Legal Standing to File Environmental Complaints**

Any individual or legal entity may file complaints for infringements of these Regulations with the Competent Environmental Enforcement Authority.

If there are no representatives of such authority in the respective locality, the complaint may be channeled through any State authority that is present in the locality, which shall forward the complaint to the above-mentioned enforcement authority.

### TITLE XII

#### INFRINGEMENTS AND SANCTIONS

##### **Section 111.- Infringements and Sanctions**

The failure to comply with these Regulations shall be sanctioned by the

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Competent Environmental Enforcement Authority.

### FINAL SUPPLEMENTARY PROVISIONS

#### **One.- Entry into Force**

These Regulations shall become effective one (1) day from their publication in "El Peruano" Official Gazette.

#### **Two.- Application of the EQS for Soils to Environmental Management Instruments**

For those Titleholders who, on the effective date of these Regulations, have not achieved the remediation objectives indicated in their approved Environmental Management Instrument, the obligation to submit the Soil Decontamination Plan (PDS, Spanish acronym) established by the laws that regulate the EQS for Soils does not exempt them for the fulfillment of the environmental obligations previously undertaken. For such cases, the PDS shall supplement the provisions set forth in the above-mentioned Environmental Management Instrument, as applicable. In that event, the Performance Bond granted for that purpose shall be released following the issuance of a report by OEFA.

#### **Three.- About the Soil Decontamination Plan**

In the case of activities in progress, if the approval of the Soil Decontamination Plan (PDS) is related to another environmental management instrument approved, the Competent Environmental Authority shall determine whether it is necessary to modify the obligations contained in such Environmental Management Instrument.

#### **Four.- Issuance of Supplementary Rules**

Following the entry into force of these Regulations, the pertinent statutory provisions shall be enacted for the proper implementation of these Regulations.

### TEMPORARY SUPPLEMENTARY PROVISIONS

#### **One.- Transfer of Duties to SENACE**

Until the transfer of duties to SENACE referred to in the First Final Supplementary Provision of Law No. 29968 is completed, the Competent Environmental Authority shall continue to perform its duties to review and approve the Detailed Environmental Impact Studies for Hydrocarbon Activities, subject to the procedures and deadlines set out in these Regulations and all other applicable laws.

The administrative proceedings pending resolution by the sector's authority at the time the transfer of duties to SENACE is completed shall be resolved by the sector's authority before which the procedure was started.

The modifications to and/or expansions of the projects that have an approved detailed Environmental Impact Study shall be evaluated by the same Authority that approved the original environmental study.

#### **Two.- Environmental Adjustment Plan for Activities and Facilities in Progress**

Exceptionally, in the case of expansions and/or modifications to projects that have Environmental Management Instruments approved, but that were carried out without the respective environmental authorization procedure, prior to the entry into force of these Regulations, the Titleholder may submit to the Competent Environmental Authority an Environmental Adjustment Plan as a Supplementary Environmental Management Instrument focused on the operation, maintenance and/or abandonment stage of the relevant activity, for evaluation.

Similarly, in the case of hydrocarbon marketing activities that are being developed without the respective environmental certification prior to the entry into force of these Regulations, the Titleholder may submit to the Competent Environmental Authority, for one single time, an Environmental Adjustment Plan as a Supplementary Environmental

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Management Instrument, considering the environmental impacts generated during the operation, maintenance and/or abandonment stages of the relevant activity, for evaluation.

The MINEM, with the favorable opinion of the MINAM, shall approve guidelines for the formulation of the Environmental Adjustment Plans within a term not to exceed sixty (60) days from the approval hereof.

### Three.- Submission and Approval of the Environmental Adjustment Plan

Within a term of sixty (60) business days after the entry into force of these Regulations, Titleholders shall inform the Competent Environmental Authority on their intention to avail themselves of the Environmental Adjustment Plan mentioned in the foregoing supplementary provision, enclosing evidence (photographs, drawings, documents, among others) of the non-compliance.

For this purpose, Titleholders shall have a term not to exceed six (6) months from the approval of the guidelines referred to in the foregoing supplementary provision to submit the Environmental Adjustment Plan, along with proof of payment of the applicable fines, as well as a Letter of Guarantee in an amount equal to seventy-five percent (75%) of the value of the investment intended for the execution of said Plan. The Competent Authority shall, within a term of thirty (30) business days, perform the respective evaluation and, if any observations are raised, a term of fifteen (15) business days shall be granted to the Titleholder to withdraw them. After receiving the withdrawal of observations, the Competent Authority shall issue the pertinent Resolution within a term of ten (10) business days.

The approval of such Supplementary Environmental Management Instrument does not validate or correct in any manner whatsoever the lack of an Environmental Certification.

This provision applies without prejudice to the sanctioning powers held by the Competent Environmental Enforcement

Authority and the Enforcement Authority for Technical and Safety Matters, or to the development of the supervision or enforcement procedures and actions entrusted to said entities, within the scope of their competencies.

### Four.- Submission of Abandonment Plans upon the end of the agreement

In the case of agreements that will expire within less than five (5) years after the effective date of these Regulations, the Hydrocarbon Activity Titleholders shall submit the respective Abandonment Plan to the Environmental Authority that approve the Environmental Study within a term not to exceed three (3) months from the entry into force of these Regulations.

### ANNEX 1: Environmental Studies to be Submitted by Hydrocarbon Activity

ACTIVITIES THAT DO NOT REQUIRE AN ENVIRONMENTAL CERTIFICATION	
Activity	Environmental Study
Aerial photography	Not required
Aerogravimetry	Not required
Aeromagnetometry	Not required
Surface geology	Not required
Surface gravimetry	Not required
Surface geochemical prospecting	Not required



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ACTIVITY: SEISMIC EXPLORATION		
Geographic Area	Classification	Description
Sea	EIA-sd	The semi-detailed Environmental Impact Study (EIA-sd) category applies to exploration projects involving 2D and 3D seismic activities that are located within one or more of the following marine areas or ecosystems: <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone.</li> <li>- Fragile ecosystems (bays, points and islands) or, where applicable, critical habitats important for the reproduction and development of endemic, threatened or economically important species.</li> <li>- Areas of natural banks of benthic resources, reefs, or spawning areas located in the project's area of influence or in relation to certain endemic and/or threatened species.</li> </ul> The seismic lines are located less than 5 miles from the coastline.
	DIA	- The Environmental Impact Declaration (DIA) category applies to projects not covered by the aforementioned protection conditions, without prejudice to the authority's power to establish a different category based on the preliminary assessment.
Coast	EIA-sd	The semi-detailed Environmental Impact Study (EIA-sd) category applies to exploration projects involving 2D and 3D seismic activities that are located within one or more of the following terrestrial areas or ecosystems: <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone or Regional Conservation Areas.</li> <li>- Fragile ecosystems (dunes, oases, hills, wetlands, relict forests, dry forests, bays and points, Ramsar sites) or, where applicable, critical habitats important for the reproduction and development of endemic and/or threatened species.</li> </ul> Projects involving the construction of new access routes (vehicle roads).
	DIA	- The Environmental Impact Declaration (DIA) category applies to projects not covered by the aforementioned protection conditions, without prejudice to the authority's power to establish a different category based on the preliminary assessment.

Highlands	EIA-sd	The semi-detailed Environmental Impact Study (EIA-sd) category applies to exploration projects involving 2D and 3D seismic activities that are located within one or more of the following terrestrial areas or ecosystems: <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone or Regional Conservation Areas.</li> <li>- Fragile ecosystems (areas with queñoa forests, wetlands, Ramsar sites, inter-Andean valleys, high Andean lakes, mist forests, or relic forests), or, where applicable, critical habitats important for the reproduction and development of endemic and/or threatened species.</li> <li>- Projects involving the construction of new access routes (vehicle roads)</li> </ul>
	DIA	The Environmental Impact Declaration (DIA) category applies to projects not covered by the aforementioned protection conditions, without prejudice to the authority's power to establish a different category based on the preliminary assessment.
Jungle	EIA-d	The detailed Environmental Impact Study (EIA-d) category applies to exploration projects involving 2D and 3D seismic activities that are located within one or more of the following terrestrial areas or ecosystems: <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone or Regional Conservation Areas.</li> <li>- Fragile ecosystems (wetlands, Ramsar sites, oxbow lakes (<i>cochas</i>), palm swamps (<i>aguajales</i>), marshes) or, where applicable, critical habitats important for the reproduction and development of endemic and/or threatened species.</li> <li>- Territorial Reserves or Indigenous Reserves.</li> <li>- Zones with unaltered habitats (Undisturbed areas).</li> </ul> Projects that include the construction of new access routes (roads).
	EVAP	For projects not covered by the aforementioned conditions, titleholders must prepare and submit a Preliminary Environmental Assessment (EVAP) in application of Section 15 of these Regulations, based on which the Sectorial Environmental Authority can establish the respective classification.
ACTIVITY: EXPLORATORY DRILLING		
Geographic Area	Classification	Description

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Sea	EIA-d or EIA-sd	<p>The EIA-d category applies to projects located within one or more of the following areas or ecosystems:</p> <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone.</li> <li>- Fragile ecosystems (bays, points and islands) or, where applicable, critical habitats important for the reproduction and development of endemic and/or threatened species.</li> <li>- Areas of natural banks of benthic resources, reefs, or spawning areas located in the project's area of influence or in relation to certain endemic and/or threatened species.</li> <li>- Marine zone less than 5 miles from the coastline.</li> <li>- A study area that includes the drilling of more than five (5) potential wells or anchor points or that includes at least a fixed platform.</li> </ul> <p>Pursuant to Section 15 of these Regulations, titleholders may prepare and submit a Preliminary Environmental Assessment (EVAP) based on which the Competent Environmental Authority may establish the respective classification, applying the rules set forth in the First Temporary Supplementary Provision hereof.</p>
Coast and Highlands	EIA-d or EIA-sd	<p>The EIA-d category applies to projects located within one or more of the following areas or ecosystems:</p> <ul style="list-style-type: none"> <li>- Protected Natural Areas (PNA), including their Buffer Zone or Regional Conservation Areas.</li> <li>- Fragile ecosystems (dunes, oases, hills, wetlands, dry forests, bays, points, Ramsar sites, areas with quercus forests, inter-Andean valleys, high Andean lakes, mist forests, or relic forests), or, where applicable, critical habitats important for the reproduction and development of endemic and/or threatened species.</li> <li>- Projects including the construction of new access routes (vehicle roads).</li> <li>- A study area that includes the drilling of more than five (5) potential wells.</li> </ul> <p>Pursuant to Section 15 of these Regulations, titleholders may prepare and submit a Preliminary Environmental Assessment (EVAP) based on which the Competent Environmental Authority may establish the respective classification, applying the rules set forth in the First Temporary Supplementary Provision hereof.</p>

Jungle	EIA-d	<p>The EIA-d category applies to all exploratory drilling projects.</p> <p>Pursuant to Section 15 of these Regulations, titleholders may prepare and submit a Preliminary Environmental Assessment (EVAP) based on which the Competent Environmental Authority may establish the respective classification.</p>
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ACTIVITY: EXPLOITATION		
Geographical Area	Classification	Description
Sea	EIA-d	The EIA-d category applies to all Development and Production projects, including those proposing the use of water fracturing.
Coast	EIA-d	
Highlands	EIA-d	
Jungle	EIA-d	

ACTIVITY: TRANSPORTATION BY PIPELINES		
Geographical Area	Classification	Description
Coast	EIA-d	The EIA-d category applies to all pipeline transportation projects. Without prejudice to the classification established in Section 15 of these Regulations, titleholders may prepare and submit a Preliminary Environmental Assessment (EVAP), which will be reviewed by the Competent Environmental Authority so that it may establish the respective classification. The EVAP must consider, among other things, the characteristics of the zone, the pipeline length and diameter, the transportation systems, accessories (main pipelines, own-use pipelines, and collection and injection pipelines).
Highlands	EIA-d	
Jungle	EIA-d	

ACTIVITY: GAS DISTRIBUTION THROUGH A PIPELINE NETWORK	
Classification	Description
EIA-sd	Gas Distribution Trunk or High-Pressure Lines
DIA	Project for Gas Distribution in Urban Areas (Low-Pressure Distribution Networks, service connections), it being necessary to include the respective Contingency Plan and to comply with the applicable safety and urban planning regulations.

ACTIVITY: PROCESSING OR REFINING		
Geographical Area	Classification	Description
Coast	EIA-d	For all processing or refining processes
Highlands	EIA-d	
Jungle	EIA-d	

ACTIVITY: ESTABLISHMENT FOR THE SALE OF HYDROCARBONS TO THE PUBLIC		
Type of establishment	Classification	Description
Liquid fuels	DIA	Those establishments that sell one or more of the listed products must submit one single DIA, providing the relevant information for each of the products.
Gas Stations (LPG for motor vehicles).	DIA	
Vehicular Natural Gas (VNG) Stations	DIA	
Compressed Natural Gas (CNG) Stations.	DIA	
Bottling Plants	DIA	

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**Note: If the Competent Environmental Enforcement Authority verifies that the environmental impacts caused significantly differ from those declared in the approved Environmental Management Instruments, the actions described in Section 78 of the Regulations to the SEIA Act, approved by Supreme Decree No. 019-2009-MINAM, shall be taken.**

### ANNEX 2: Minimum Allowed Distances for Explosive and Non-Explosive Firing Points

Type of structure	Non-explosive	Explosive	
	Distance, in meters	Charge (C), in kilograms	
Buried highways or aqueducts	5	Any	Buried highways or aqueducts
Residences, dwellings, concrete structures, water wells	15	C<2	Residences, dwellings, concrete structures, water wells
		2 =C< 4	
		4 =C<6	
		6 =C <8	
		8 =C<10	
		10 =C< 20	
		20 =C<40	
Buried landmarks or communication lines	1	Any	Buried landmarks or communication lines

### ANNEX 3: Form of Environmental Impact Declaration (DIA) for Establishments Selling Liquid Fuels, LPG for motor vehicles, VNG and CNG (adapted to Annex VI to the SEIA Act Regulations)

In the case of projects with different fuels in the same establishment, a single DIA may be submitted.

I. GENERAL DATA:	
1. Name or firm name of the Project Titleholder:	
Location	
Av. / Jr. / Street:	
District:	Urbanization:
Province:	Department/Region:
Location of UTM Coordinates, stating the reference system (WGS 84)	

2. Legal Representative:	
Av. / Jr. / Street:	
District:	Urbanization:
Province:	Department/Region:
Telephone:	Fax:
e-mail:	
II. FOR EXPANSION CASES	
Registration number of the existing establishment in the DGH/OSINERGMIN.	
Approved Environmental Study subject to expansion	
Number of Director's Resolution approving the Environmental Study.	
III. PROJECT DESCRIPTION:	
Project Name, Objective, Type, Estimated Investment Amount, Physical Location of the Establishment, Zoning, Total Project Area, Estimated Lifespan, Legal Status of the Property or Establishment. Attach documentation showing registration with the Public Records Office and plans with the design of the infrastructure to be installed or already existing	
PROJECT CHARACTERISTICS: The declared information, when it comes to new projects, must include the following stages: Planning, Construction, Operation, Activities, Resources, Hazardous Waste, Effluents and Noise Generation, Maintenance, and Abandonment, along with the MODEL OF THE FLOWCHART of its activities.	
IV. AREA SELECTION: Specify the criteria for selecting the area and facility at the establishment. Indicate the infrastructure services available at the establishment (drinking water network, sewerage, electricity network, natural gas, and municipal rainwater harvesting system, if applicable; access roads.	
ENVIRONMENTAL CHARACTERISTICS:	
1. Brief description of the characteristics of the environment, mainly the characteristics of the physical, biotic, social, cultural, and economic environment of the project's area of influence, as applicable. Also, clearly indicate the project's area of influence, the criteria to delimit the areas of direct and indirect influence.	
2. Specify the depth of the water table and its proximity (distance) to natural or anthropogenic water sources or courses.	
3. Brief description of the main environmental problems currently faced by the project's area of influence.	
4. Type of zoning (attach location map)	
V. IMPACT IDENTIFICATION AND ASSESSMENT:	
Construction Stage:	
1	1.1 Brief description of the project's activities
	1.2 Environmental aspects generated
	1.3 Environmental components affected
	1.4 Environmental impacts caused
Operation Stage:	
2	2.1 Brief description of the project's activities
	2.2 Environmental aspects generated
	2.3 Environmental components affected
	2.4 Environmental impacts caused
3	Maintenance stage
4	Abandonment Stage
VI. MEASURES TO PREVENT, MITIGATE AND/OR CORRECT ENVIRONMENTAL IMPACTS	

**LEGAL PROVISIONS**

6.1 Description of measures to be implemented during the construction and operation stages.
6.2 Provide a table describing each measure to be implemented and its type (prevention, mitigation, corrective, others) for each identified impact.
6.3 Monitoring and control program for each stage: During the operation stage, the Titleholder must undertake to monitor air quality (the parameters to be monitored shall be those that may be affected by the activity), effluents (if providing washing and greasing services), and noise, on a quarterly basis. This monitoring will follow the parameters established in the current regulations regarding Environmental Quality Standards, as well as those applicable to the Maximum Permissible Limits for the activity. Such analyses shall be conducted by a laboratory accredited by the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI). Additionally, the Titleholder must attach the monitoring schedule.  Furthermore, the Titleholder must provide the monitoring points with UTM coordinates (indicating the reference system: WGS 84) and locate them on a site distribution plan at an appropriate scale, including the predominant wind direction. The plan shall be signed by a professional as prescribed in Law No. 16053.  During the Construction and Operation phases, the Titleholder shall undertake (Commitment Letter) to manage Hazardous and Non-Hazardous Solid Waste generated at the establishment in accordance with Supreme Decree No. 057-2004-PCM, "Regulations to the General Solid Waste Act."
Brief description of the Community Engagement Plan (from before the start of the project), and submission of schedule.
<b>VII. CONTINGENCY PLAN</b>
<ul style="list-style-type: none"> <li>- The contingency plan related to safety management for hydrocarbon activities shall be approved by OSINERGMIN.</li> <li>- Specify the procedures, human resources, equipment, and specific materials required to prevent, control, collect, and/or mitigate natural events and accidents such as leaks, spills, and releases of hydrocarbons or chemicals, explosions, and fires; temporarily store and dispose of generated waste..</li> <li>- Provide the schedule for training and drills, involving the population of the project's area of influence.</li> </ul>
<b>VIII. ABANDONMENT PLAN</b>
Describe the actions and/or measures that would be implemented in the event that the activity is partially or entirely abandoned, to ensure the restoration of the initial conditions or the future use of the area where the activity would be carried out
<b>IX. Annexes</b>
<ul style="list-style-type: none"> <li>- Certificate of validity of the power of attorney granted to the company's legal representative: (issued within the last three months)</li> <li>- Registration of the professionals or consulting firm that prepared the DIA in the Registry of Environmental Consultants</li> <li>- Photographic overview of the project's area of influence (Surroundings)</li> <li>- Location and distribution map of the establishment (UTM WGS 84 coordinates, signed by a professional)</li> <li>- Map of air and noise quality monitoring stations (UTM WGS 84 coordinates, signed by a professional)</li> <li>- Commitment letters for air, noise, and effluent quality monitoring (if applicable)</li> <li>- Commitment letter for solid waste management</li> </ul>

**ANNEX 4: TERMS OF REFERENCE FOR THE PREPARATION OF THE ANNUAL ENVIRONMENTAL REPORT**

**GENERAL INDICATION:** Submit a report for each locality or operating unit.

**1.0 GENERAL DATA**

1.1 Titleholder: Tax ID Number (RUC):  
Name/Firm name:

Address:  
Telephone: Fax:

1.2 Locality, concession or Block with a license agreement

Name: Address: Telephone: Fax:  
Location map:

Specify existing constructions or areas and their uses within a distance of 100 m for Establishments that Sell Fuels to the Public, Gas Stations, Establishments that Sell VNG to the Public, and LPG Bottling Plants; 500 m for Refineries and Processing Plants; and 1,000 m for Exploration and Exploitation from the property/concession boundaries.

Specify the distances to adjacent watercourses, nearest agricultural and/or livestock areas, and sensitive receptors.

**2.0 PRODUCTION PROCESS**

2.1 Activity developed

2.2 Process flowchart:

Specify the points of waste generation. If more than one process takes place in the same locality or operating unit, prepare a diagram for each process and a block diagram illustrating the relationship between the different processes.

**3.0 APPLICABLE ENVIRONMENTAL LAWS**

3.1 Sector's rules and regulations:

List the environmental laws governing the Hydrocarbon Subsector, indicating the provisions thereof that apply to the activity. Describe any breaches and state whether the Competent Environmental Enforcement Authority has raised any observations in this regard; in that case, provide the full reference of the observations and describe how the Titleholder has responded to the observations.

3.2 Regulations arising from the environmental laws

3.2.1 Environmental Studies or Supplementary Environmental Management Instruments applied

3.2.2 Specific regulations

## LEGAL PROVISIONS

List the specific environmental regulations applicable to activities in the locality or operating unit, arising from legal rules, and established in the Environmental Studies or Supplementary Environmental Management Instruments, detailing the provisions thereof that apply to the activity. Describe any breaches and state whether the Competent Environmental Enforcement Authority has raised any observations in this regard; in that case, provide the full reference of the observations and describe the actions taken by the Titleholder.

### 3.3 Legislation from other sectors

List the environmental laws established by sectors other than the Hydrocarbon Sector, indicating the provisions thereof that apply to the activity. Describe any breaches and state whether the Competent Environmental Enforcement Authority has raised any observations in this regard; in that case, provide the full reference of the observations and describe the actions taken by the Titleholder.

## 4.0 ENVIRONMENTAL COMMITMENTS

Report on the fulfillment of the environmental commitments undertaken during the approval of the respective Environmental Studies or Supplementary Environmental Management Instruments.

## 5.0 MONITORING PROGRAM

Report on the compliance with the Monitoring Program and consolidate the results of the monitoring conducted during the year, including statistical information, and provide a list of the Laboratories responsible for the analyses relevant to the monitoring conducted.

The location of the monitoring points shall be expressed in UTM coordinates (Datum WGS84).

## 6.0 SOLID WASTE AND EFFLUENTS

Provide a record of general waste generation, waste classification, volumes

and/or quantities of generated effluents, and the treatment and/or disposal methods for each type of waste. Include a summary with statistics and supporting documentation for this record.

## 7.0 CONTINGENCY PLAN

If applicable, report on the update of the Contingency Plan, based on the evaluation of how the contingencies occurred during the year were handled.

## 8.0 CONTAMINATION AND/OR ENVIRONMENTAL DAMAGE

Describe the contamination and/or environmental damage incidents occurred during the period. In each case, describe the mitigation and control actions taken and the final condition of the environment, stating whether they meet the statutory requirements for the type of situation faced. Include the incidents occurred in previous periods that were not mitigated in due time.

## 9.0 SOCIAL AND CULTURAL IMPACTS

Describe all the incidents with a social and/or cultural impact that occurred during the period. In each case, specify the date, place, magnitude of the damage, and describe the mitigation and control actions taken and final status of the relationship with the affected population or community. Include the incidents occurred in previous periods that were not mitigated in due time.

## 10.0 COMPLAINTS

Describe all the complaints received by the Titleholder, either directly or through the Competent Environmental Enforcement Authority. In each case, describe the actions taken to respond to the complaint and to solve the case, and include in the list the complaints filed in former periods that were not resolved in due time.

## 11.0 PARTY RESPONSIBLE FOR ENVIRONMENTAL MANAGEMENT

## LEGAL PROVISIONS

Name:

"I state that I have reviewed all the records on environmental matters pertaining to the locality or operating unit and that this report aligns with the contents of such records."

Environmental Management  
Representative

Name:    Signature:    Date:

### 12.0 TITLEHOLDER'S STATEMENT

"I state that I agree with the report prepared by the party responsible for environmental management in its entirety."

Titleholder:    Name:    Signature:    Date:

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